

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed with an amendment the bill (S. 4300) to increase the efficiency of the military establishment of the United States in which it requested the concurrence of the Senate.

EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After two hours and forty-five minutes spent in executive session the doors were reopened, and (at 3 o'clock and 20 minutes p. m.) the Senate adjourned until Monday, December 10, 1900, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate December 7, 1900.

APPOINTMENT IN THE ARMY.

Col. John F. Weston, Assistant Commissary-General of Subsistence, to be Commissary-General of Subsistence with the rank of brigadier-general, December 6, 1900, vice Eagan, retired from active service.

APPOINTMENT IN THE VOLUNTEER ARMY.

Capt. Frank B. McKenna, Forty-sixth Infantry, United States Volunteers (first lieutenant, Fifteenth Infantry, United States Army), to be inspector-general of volunteers with the rank of major, December 6, 1900, vice West, appointed lieutenant-colonel and inspector-general of volunteers.

WITHDRAWALS.

Executive nominations withdrawn December 7, 1900.

Joseph C. Auld, William W. Alderson, and Jule M. Hartley to be mineral-land commissioners in Montana.

CONFIRMATIONS.

Executive nominations confirmed by the Senate December 7, 1900.

ASSISTANT COLLECTOR OF CUSTOMS.

Samuel D. Dickinson, of New Jersey, to be assistant collector of customs at Jersey City, N. J., in the district of New York, in the State of New York.

POSTMASTER.

Alfred J. Dunn, to be postmaster at Wallace, in the county of Shoshone and State of Idaho.

HOUSE OF REPRESENTATIVES.

FRIDAY, December 7, 1900.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

LEAVE OF ABSENCE.

Leave of absence was granted to Mr. CLARKE of New Hampshire indefinitely, on account of sickness.

OLEOMARGARINE BILL.

The SPEAKER. The Clerk will report the special order for to-day.

The Clerk read as follows:

Resolved, That on December 6, immediately after the reading of the Journal, it shall be in order to consider in the House, as in the Committee of the Whole, the bill (H. R. 3717) "making oleomargarine and other imitation dairy products subject to the laws of the State and Territory into which they are transported, and to change the tax on oleomargarine." (Order made June 5, 1900, and changed on December 6 to Friday, December 7, 1900.)

The SPEAKER. In pursuance of these orders, the Clerk will report the bill to the House as in Committee of the Whole.

The Clerk read as follows:

Be it enacted, etc., That all articles known as oleomargarine, butterine, imitation butter, or imitation cheese, or any substance in the semblance of butter or cheese not the usual product of the dairy and not made exclusively of pure and unadulterated milk or cream, transported into any State or Territory, and remaining therein for use, consumption, sale, or storage therein, shall, upon the arrival within the limits of such State or Territory, be subject to the operation and effect of the laws of such State or Territory enacted into the exercise of its police powers to the same extent and in the same

manner as though such articles or substances had been produced in such State or Territory, and shall not be exempt therefrom by reason of being introduced therein in original packages or otherwise: *Provided*, That nothing in this act shall be construed to permit any State to forbid the manufacture or sale of oleomargarine in a separate and distinct form and in such manner as will advise the consumer of its real character, free from coloration or ingredient that causes it to look like butter.

SEC. 2. That after the passage of this act the tax upon oleomargarine, as prescribed in section 8 of the act approved August 2, 1896, and entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," shall be one-fourth of 1 cent per pound when the same is not colored in imitation of butter; but when colored in imitation of butter the tax to be paid by the manufacturer shall be 10 cents per pound, to be levied and collected in accordance with the provisions of said act.

Mr. HENRY of Connecticut. Mr. Speaker, in view of the brief time allowed to consider this bill—only one day—and the urgent demand of many gentlemen to occupy time, I wish to ask unanimous consent for general leave to print for ten days.

The SPEAKER. The gentleman from Connecticut asks unanimous consent for general leave to print upon this bill—for what length of time?

Mr. HENRY of Connecticut. For ten days, confined to the subject-matter.

The SPEAKER. For ten days, the debate to be confined to the subject-matter of the bill. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. HENRY of Connecticut. Mr. Speaker, the bill now before the House comes here with a report approved by the majority of the Committee on Agriculture. It is but fair to say, however, that seven members of that committee, including the chairman, dissent and prefer to report a substitute bill of an entirely different character.

The SPEAKER. Will the House please be in order, and gentlemen take their seats?

Mr. BAILEY of Texas. Mr. Speaker, before the gentleman from Connecticut proceeds, I desire to inquire if there has been any attempt to agree upon the time when debate shall conclude and a vote be taken?

Mr. HENRY of Connecticut. Not yet; but of course there will be an equal division of time.

Mr. BAILEY of Texas. There are a good many gentlemen on this side, and doubtless on the other side, inquiring when the vote will be taken, and, if there has been any time agreed upon, I should like to be able to answer the question.

Mr. TAWNEY. I would like to ask the gentleman from Connecticut if it is not possible to effect an agreement at this time, so that members may know about when the vote is to be taken. A number have asked me, and some of them want to stay here and hear the discussion, while others do not, but want to be here when the vote is taken.

Mr. BAILEY of Texas. There are many gentlemen here who are anxious to know when the vote is to be taken.

Mr. TAWNEY. That is what I say.

Mr. BAILEY of Texas. And if it is possible to agree on a time, or if it is expected that an attempt to reach an agreement will be made, that had better be done in the beginning.

Mr. GROUT. It has been thought it would be well enough to let the debate run for a time and then make some arrangement about closing the debate.

Mr. BAILEY of Texas. The only trouble is this: We should dislike to have the debate proceed for two or three hours and then have a motion made for the previous question.

Mr. GROUT. Oh, there will be no snap judgment with reference to this bill; none whatever.

Mr. PAYNE. It strikes me it would be much easier to agree upon a limitation of debate before the debate begins than to have the debate proceed without such an understanding.

Mr. GROUT. Very well; if the gentleman so desires, an understanding can probably be reached now as to when the vote shall be taken.

Mr. WADSWORTH. I suggest that the general debate run until half past 4 o'clock, that then the debate under the five-minute rule proceed until half past 5 o'clock, at which time a vote be taken. That is only my suggestion. I am willing, of course, to abide by the wish of the House.

Mr. TAWNEY. I suggest that the vote be taken at 5 o'clock.

Mr. GROUT. It is expected that there will be two roll calls before this matter can be disposed of. One will be upon the bill which I understand is to be proposed as a substitute, and then the friends of the bill will want a roll call on the bill itself. Now, if we do not begin to vote until 5 o'clock, it will be half past 6 o'clock or 7 o'clock before the session closes.

Mr. PAYNE. What does the gentleman suggest?

Mr. GROUT. I would suggest half past 4 as the time for the conclusion of the debate, thus allowing time for the votes to be taken and still permitting us to close the session at a seasonable hour.

Mr. WILLIAMS of Mississippi. Is it proposed to limit the general debate on this bill to four hours and a half?

The SPEAKER. The Chair can not answer that question.

Mr. WILLIAMS of Mississippi. That arrangement would leave only two hours and a quarter on each side; and this is a very important bill.

Mr. GROUT. The gentleman will be able to say a great deal in a small space of time.

Mr. WILLIAMS of Mississippi. But there are other gentlemen to be considered besides myself.

Mr. GROUT. Doubtless they can do the same thing.

The SPEAKER. Is there any proposition submitted to the House?

Mr. GROUT. I ask unanimous consent that the debate close and a vote be taken at half past 4 o'clock.

The SPEAKER. The gentleman's proposition draws no distinction between the general debate and the five-minute debate.

Mr. GROUT. This is a bill of but two sections. Debate under the five-minute rule amounts to practically nothing on such a bill.

The SPEAKER. The gentleman from Vermont [Mr. GROUT] asks unanimous consent that all debate on this bill close at half past 4 o'clock.

Mr. WADSWORTH. I object.

Mr. GROUT. Then let the debate run on a while.

Mr. WADSWORTH. I suggest that the general debate run until 4 o'clock, that then the five-minute debate begin and run on until 5 o'clock, at which time the vote shall be taken.

Mr. GROUT. I object to that.

The SPEAKER. The gentleman from New York [Mr. WADSWORTH] asks unanimous consent that general debate on this bill terminate at 4 o'clock, at which time the debate under the five-minute rule shall begin, and that the vote be taken at 5 o'clock.

Mr. GROUT. I object.

The SPEAKER. The gentlemen from Vermont [Mr. GROUT] objects. The gentleman from Connecticut [Mr. HENRY] is entitled to the floor.

Mr. HENRY of Connecticut. Mr. Speaker, the bill now before the House comes here with a report approved by a majority of the Committee on Agriculture. It is fair to say, however, that seven members of that committee, including the chairman, dissent and prefer to report a substitute bill of an entirely different character.

The bill favored by the majority, and with which most of the members of the House are doubtless more or less familiar, is the GROUT bill, without any change or amendment whatever. Substantially all there is of great importance in the bill is the reduction of the internal-revenue tax upon uncolored oleomargarine to the nominal rate of one-fourth cent per pound and an increase of the tax upon oleo colored in the semblance of butter to 10 cents per pound.

This increased taxation is believed by the majority of your committee to be justifiable and indispensable for the protection of the great dairy interests of the country from disastrous competition with a cheap and fraudulent article, illegally sold, and represented to be the pure product of the farm and dairy.

The clandestine sale of imitation butter has rapidly increased during recent years, and has now reached the danger point when more drastic restrictive measures are required. This illegitimate traffic is backed and upheld by interests and influences apparently beyond the power of State governments to successfully regulate and control.

Moreover, the present Federal laws are obviously inadequate to remedy or mitigate the evil, and additional national restrictive legislation is demanded by the farmers and producers of dairy butter as imperatively and immediately necessary.

The report accompanying the bill is not overdrawn and fairly sets forth indisputable facts. In this report the majority say:

We are of the opinion that the people have ample cause for alarm at the tremendous illegal growth of the oleomargarine traffic in this country during the past few years, which now appears to have reached proportions beyond the power of the States to successfully regulate or control, and the present Federal laws are apparently altogether inadequate for the emergency.

After carefully weighing the evidence and suggestions offered for remedies for the regulation of this traffic, we are constrained to hold that the provisions of H. R. 3717 offer the best practical solution of the difficulty.

We believe that the States should be protected in their rights to regulate their internal affairs to the fullest extent in relation to articles of food which have been adjudged adulterated or of a deceitful character, and we do not think that the interstate-commerce law of the Government should protect a deceitful imitation from the jurisdiction of the State's laws, even if the article in question is in the original package and is shipped from an outsider into the State in such package.

We find that the very foundation and cause of the enormous amount of fraud and illegal selling of oleomargarine is in the great profits which are derived from the sale of the imitation article because of its absolute counterfeit of butter, which enables unscrupulous dealers to impose upon unsuspecting customers. These profits are sufficiently large to cause the retailer to run the chances of detection and prosecution, and they are further emboldened and encouraged through the guaranties of the manufacturers of protection against prosecutions under the State laws.

Thirty-two States, having four-fifths of the entire population of the United States, absolutely forbid the manufacture and sale of oleomargarine colored to resemble butter. These laws have been upheld in the higher courts without a single exception, and the question has twice been passed upon favorably by the Supreme Court of the United States. Therefore the policy of a very large majority of our people is plainly against the sale of the article in such counterfeit form.

The tax of 10 cents per pound upon oleomargarine colored to resemble butter will not deprive the manufacturers and dealers or consumers of any great amount of legal right they now possess. Four-fifths of the colored article made is sold illegally now, as indicated by the reports of the Treasury Department, and the only effect of this tax, even were it prohibitive upon this class of oleomargarine, would be to prevent the manufacture of an article the sale of which is contrary to the laws of thirty-two States of the Union.

This tax will bring the cost of the colored article up to a figure that will take from it the possibility for the large profits which have been the incentive to violate the laws of the State and Government and defraud innocent purchasers, while the reduction of the tax on oleomargarine in its natural color from 2 cents to one-fourth cent per pound will make it possible for the man who really desires to consume oleomargarine to procure it at a much lower cost than heretofore, the only difference being that it will not contain coloring matter, which not even the opponents of this measure claim contributes anything to its palatableness or nutritive value.

We believe the manufacture and sale of oleomargarine will continue under this measure and that those who desire a cheap substitute for butter will purchase the uncolored article. The only difference is that the counterfeit article, colored in imitation of butter, will no longer be accessible to hotel keepers, restaurant keepers, and boarding-house proprietors at such prices as will be an inducement for them to deceive the guests, as is now, we believe, absolutely universal where it is served, and thus another class of consumers who have been subjected to imposition for more than twenty years will be able to know whether they are eating butter fat or hog fat when they spread their bread. If colored oleomargarine is served, it will be because it is better and not because it is cheaper than butter.

Serious conditions require drastic measures, and it certainly appears from the testimony of those representing the producers of butter, as well as from the admissions of the witnesses for the other side, that those who are engaged in this oleomargarine traffic have absolutely no regard for State laws, and regard the public as their legitimate victim, in whose behalf they resent the interference of the General Government. The continued existence of such a condition we can not but believe furnishes a demoralizing example to our people in trade, who are being tutored by this oleomargarine interest in the art of evasion and defiance of the legally constituted authorities.

The Agricultural Committee had the GROUT bill under consideration for nearly three months. Full and exhaustive hearings were given to all comers, and to every interest directly affected by the proposed legislation.

Representatives of the National Dairymen's Union and its allied organizations, with middlemen representing legitimate dealers in dairy products, have been heard in behalf of the bill. Representatives of the manufacturers of oleomargarine, of stock growers, of producers of cotton-seed oil and other affected interests, have appeared in opposition.

The broad sunlight and X-rays of inquiry have been turned on in investigating and endeavoring to find a solution of a difficult and embarrassing problem. Much time has been given and great patience exercised, with the result that the majority of your committee are of the opinion that the best hope of improving and protecting the great dairy industry rests in enacting the GROUT bill into law.

It is claimed by the manufacturers of oleomargarine that its production is a legitimate business; that oleo is a wholesome food, honestly made, and sold by the manufacturers for what it is, without deception. This may be true of the larger manufacturers, but it is not always the fact with some manufacturing firms, for I have before me the engraved letter head of a prominent manufacturer, reading, in bold characters, "Union Dairy Company, manufacturers of choice oleomargarine," and like misleading devices are used by other manufacturers and many dealers, all indicating an intention of misleading and deceiving prospective purchasers and consumers of dairy butter.

Middlemen and retailers constantly and unscrupulously exhibit and fraudulently sell to an unsuspecting public oleomargarine put up in the form of creamery print butter with wrappers conspicuously labeled as "Clover Hill Creamery," "Crystal Spring Dairy," etc.

It is a notorious fact, of which many of us have personal knowledge, that oleo, sometimes called "butterine," is put up in this manner and sold even in the markets of Washington, almost within the shadow of the Capitol.

The imposition is still more apparent and reprehensible when the purchaser, believing he is buying butter, frequently pays 25 cents or more per pound, or a price approximating the cost of pure creamery butter.

It was shown at the committee hearings that the best quality of oleomargarine, put up and packed ready for market, only costs about 10 cents per pound, including the revenue tax of 2 cents. The statement made by Secretary Gage regarding oleomargarine also shows conclusively that the average cost of the finished product is only slightly in excess of 8 cents a pound before the revenue tax is paid; yet consumers are constantly compelled to pay from 20 cents upward per pound. With such a margin of profit, who shall say that a 10-cent tax will prevent the continued manufacture and sale of oleomargarine?

In connection with this I quote from the official reply of the Commissioner of Internal Revenue, through the Secretary of the Treasury, to the inquiry of Congress:

THE TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF INTERNAL REVENUE,
Washington, D. C., May 11, 1900.

SIR: In compliance with your instructions in responding to House resolution of May 8, 1900, I have the honor to submit herewith data therein called for. The original forms in which this information is submitted to this office are not only very large in bulk, but voluminous in number, and can not very well

be transmitted; besides, they are a part of the records of the Internal-Revenue Bureau, and should not, therefore, leave the custody of the Treasury Department.

The data submitted discloses the kinds of material used, the amount of each ingredient, and the per cent that each bears to the total amount of oleomargarine produced in the country for the periods named, and it is believed furnishes all the information intended to be called for in the resolution.

Very respectfully,

G. W. WILSON, Commissioner.

The SECRETARY OF THE TREASURY.

Quantities and kinds of ingredients used in the production of oleomargarine in the United States for the fiscal year ending June 30, 1899; also the percentage each ingredient bears to the whole quantity.

Material.	Pounds.	Percentage each ingredient bears to the whole.
Neutral lard.....	31,297,251	34.27
Oleo oil.....	24,491,769	26.82
Cotton-seed oil.....	4,357,514	4.77
Sesame.....	486,310	.53
Coloring matter.....	148,970	.16
Sugar.....	110,164	.12
Glycerin.....	8,963	.01
Stearin.....	5,890	.007
Glucose.....	2,550	.003
Milk.....	14,200,576	15.55
Salt.....	6,772,670	7.42
Butter oil.....	4,342,904	4.76
Butter.....	1,568,319	1.72
Cream.....	3,527,410	3.86
Total.....	91,322,280	100

Or, more definitely stated, the quantity, character, and value of ingredients used in the production of oleomargarine for the time specified above are as follows:

Material.	Pounds.	Value per pound.	Total value.
		Cents.	
Neutral lard.....	31,297,251	8	\$2,503,780.08
Oleo oil.....	24,491,769	9	2,144,917.69
Cotton-seed oil.....	8,700,418	6	522,025.08
Sesame oil.....	486,310	10	4,863.10
Coloring matter.....	148,970	20	29,794.00
Sugar.....	100,164	4	4,006.56
Glycerin.....	8,963	10	896.30
Stearin.....	5,890	8	459.60
Glucose.....	2,550	3	76.50
Milk.....	14,200,576	1	142,005.76
Salt.....	6,772,670	1	67,726.70
Butter.....	1,568,319	20	313,663.80
Cream.....	3,527,410	5	17,637.05
Butter oil.....	4,342,000	6	260,520.00

Average value per pound of materials, 7.09 cents.

Average cost of packages (extreme), one-half cent per pound.

Highest possible cost all expenses connected with manufacturing, 1 cent per pound.

Internal-revenue tax, per pound, 2 cents.

Total cost to manufacturer of finished product, average, 10.59 cents.

Finished product quoted at from 11+ cents for lowest grade to 18 cents for highest quality, averaging, probably, 14 cents per pound.

We all know with what persistence information regarding the quality, character, and value of oleomargarine was withheld and refused, both by the manufacturers and by the Internal-Revenue Office—information that was only obtained from the Bureau in response to an imperative request of the House of Representatives.

When this disclosure was made it became perfectly evident why exact information was withheld. We now, for the first time, have exact knowledge of from just what oleomargarine is made, as well as of what it costs to produce the finished product.

The Secretary's report also makes plain the fact that an effort was deliberately made to hoodwink and mislead the gentlemen representing the cotton-growing States by falsely representing that a very large percentage of cotton-seed oil was used in the manufacture of this substitute for butter, while the Bureau report reveals the fact that in the manufacture of oleomargarine a little more than 10 per cent of cotton-seed oil and of so-called butter oil made from cotton seed was used; or, as another surprising disclosure reveals, less than two-thirds of the percentage of milk and butter consumed in disguising this fraud and assisting in giving the semblance, color, and flavor of dairy butter.

I commend this fact to the consideration of Southern members who have been bunked into the belief that much larger quantities of cotton-seed oil are used and that this consumption of a Southern product is of great importance to the South Atlantic and Gulf States.

That this fact is becoming recognized in the South is shown by the comments of some of the Southern papers. I quote from one of these, the Jacksonville Times-Union, of Florida:

The cotton-seed oil men of the South who defended the oleomargarine manufacturers to secure a market for their product now learn that little clean vegetable oil is needed in the composition of the sham butter and that

they have pulled the chestnuts out of the fire again for others to eat. Few amateurs can grasp the full meaning of protection for revenue only in the current politics of a faithless generation.

It now appears that the entire aggregate amount of cotton-seed oil used in the manufacture of oleomargarine is only about 2 per cent of the total production of that oil. This small percentage is not likely to be materially reduced by the passage of this bill, for the manufacture and consumption of oleomargarine, both colored and uncolored, will still continue, and even if honestly sold the quantity produced and sold is likely to rather increase than diminish.

The following letter from W. L. Taber, of the Producers' Price-Current, fairly indicates the effect of the proposed legislation:

NEW YORK, May 21, 1900.

DEAR SIR: In relation to our note in Producers' Price-Current of last Saturday relative to the oleo agitation in Pennsylvania, and the consequent increased demand from that source, I would like to say, that since this agitation began there has been a marked increase in the consumption of butter in Pennsylvania. The result of this is that Philadelphia merchants have been unable to secure sufficient supplies at home and have been large buyers on this market. To just what extent I can not say, but our receivers report constant sales to them, and this demand has been a potent factor in shaping the course of our market during the past week at least. One receiver mentions having shipped 1,000 tubs within two weeks to Philadelphia, and others have shared largely in the trade.

I thought possibly this information might interest you in connection with the present investigation of the subject of oleo legislation by the Agricultural Committee.

Very truly, yours,

W. L. TABER,

Reporter of the Butter Market for the Producers' Price-Current.

HON. E. STEVENS HENRY,

Agricultural Committee, House of Representatives, Washington, D. C.

It is alleged that the passage of this bill will destroy a great industry and prevent the further manufacture of oleomargarine. The fallacy of this claim is evident when we remember that 32 States of the Union now have laws prohibiting the sale of oleomargarine colored in imitation of butter, namely (in order of population, census of 1890):

	Population.		Population.
New York	5,997,853	South Carolina	1,151,149
Pennsylvania	5,228,014	Nebraska	1,058,910
Illinois	3,826,351	Maryland	1,042,390
Ohio	3,672,316	West Virginia	762,794
Missouri	2,679,184	Connecticut	746,253
Massachusetts	2,238,943	Maine	661,086
Michigan	2,093,889	Colorado	412,198
Iowa	1,911,896	New Hampshire	376,530
Kentucky	1,858,635	Washington	349,390
Georgia	1,837,353	Oregon	313,767
Tennessee	1,766,518	Vermont	332,442
Wisconsin	1,686,880	South Dakota	328,808
Virginia	1,655,980	Utah	207,905
Alabama	1,513,017	North Dakota	182,711
New Jersey	1,444,933	Delaware	168,493
Minnesota	1,301,826		
California	1,208,130		
		Total population	50,117,440

The States and Territories which have not yet passed laws prohibiting the sale of oleomargarine colored in imitation of butter are, with populations:

	Population.		Population.
Texas.....	2,235,523	New Mexico.....	153,593
Indiana.....	2,192,404	Montana.....	132,156
North Carolina.....	1,617,947	Idaho.....	84,385
Kansas.....	1,427,086	Oklahoma.....	61,834
Mississippi.....	1,289,700	Wyoming.....	60,705
Arkansas.....	1,128,179	Arizona.....	59,620
Louisiana.....	1,118,587	Nevada.....	45,761
Florida.....	321,422		
Rhode Island.....	345,506	Total population.....	12,604,790
District of Columbia.....	230,302		

These laws, while varying in form, express the opinion of the law-making representatives of the 60,000,000 people now living in the States named; and for your information I have summarized these laws, as follows:

ALABAMA—ANTI-COLOR LAW.

(Approved February 18, 1895.)

No article which is in imitation of pure yellow butter, and is not made wholly from pure milk and cream, shall be manufactured, sold, or used in any public eating place, hospital, or penal institution, etc.; but oleomargarine, free from color or other ingredient to cause it to look like butter, and made in such manner as will advise the consumer of its real character, is permitted. It must be stamped with its name.

ARIZONA.

No dairy laws.

ARKANSAS—MUST BE LABELED.

(Approved April 2, 1885.)

Substitutes for butter, whether in wholesale or retail packages, shall be plainly labeled "Adulterated butter," "Oleomargarine," or such other names as shall properly describe them. In hotels, etc., dishes containing said articles must be plainly marked in same manner.

CALIFORNIA—ANTI-COLOR LAW.

(Approved March 4, 1897.)

Imitation butter and cheese is defined as any article not produced from pure milk or cream, salt, rennet, and harmless coloring matter, which is in semblance of butter or cheese and designed as a substitute for such. Shall not be colored to imitate butter or cheese, and must be in such form as will advise consumer of its real character. Every package must be plainly marked "Substitute for butter" or "Substitute for cheese" and accompanied

by a statement giving name of manufacturer, ingredients, etc., a copy of which must be given to each purchaser, with verbal notice, at the time of sale, in connection with which words like "creamery," "dairy," etc., are prohibited. Patrons of eating places shall be notified if substitutes of butter or cheese are used. Prohibited in State charitable institutions.

COLORADO—ANTI-COLOR LAW.

(Approved April 1, 1895.)

All articles not produced from pure milk or cream, in imitation of pure cheese or yellow butter, are prohibited; but oleomargarine and filled cheese are permitted if free from color or other ingredient to cause them to look like butter or cheese. They must be made in such form and sold in such manner as will advise the consumer of their real character. Cheese containing any foreign fats, oleaginous substances, rancid butter, etc., shall be branded "imitation cheese."

CONNECTICUT—ANTI-COLOR LAW.

(Public Acts, 1895.)

Imitation butter, defined as any article resembling butter in appearance and not made wholly, salt and coloring matter excepted, from cow's milk, is prohibited; but oleomargarine or imitation butter, free from color or other ingredient to cause it to look like butter, and made in such form and sold in such manner as will advise consumer of its real character, is permitted. Words like "butter," "dairy," etc., shall not form a part of its name or appear on its package. Imitation butter shall be sold only in labeled packages, or registered places which display signs, and purchasers shall be informed orally of the character of the article at the time of sale. Use of imitation butter in public eating places, bakeries, etc., must be made known by signs.

DELAWARE—ANTI-COLOR LAW.

(Passed May 8, 1895.)

The manufacture or sale of any article not produced from unadulterated milk or cream, which is in imitation of pure yellow butter or designed to take the place of pure cheese, is prohibited; but oleomargarine is permitted if in a distinct form, free from butter color, and sold in such manner as to show its real character; it shall be plainly marked "Oleomargarine."

DISTRICT OF COLUMBIA—BRANDING LAW.

(Approved March 2, 1895.)

Substances in semblance of butter or cheese, not made exclusively of milk or cream, but with the addition of melted butter or any oil, shall be plainly branded on each package "Oleomargarine," and a label, similarly printed, must accompany each retail sale.

FLORIDA—MUST NOTIFY GUESTS.

(Approved February 17, 1881.)

The sale of any spurious preparation, purporting to be butter, is prohibited. Guests at hotels, etc., must be notified if oleomargarine or other spurious butter is used.

GEORGIA—ANTI-COLOR LAW.

(Approved December 16, 1895.)

Imitation butter and cheese are defined as any article not produced from pure milk or cream—salt, rennet, and coloring matter excepted—in semblance of butter or cheese and designed to be used as a substitute for either. Shall not be colored to resemble butter or cheese. Every package must be plainly marked "Substitute for butter" or "Substitute for cheese," and each sale shall be accompanied by verbal notice and by a printed statement that the article is an imitation, the statement giving also the name of the producer. The use of these imitations in eating places, bakeries, etc., must be made known by signs.

IDAHO—BRANDING REQUIRED.

(Approved January 27, 1885.)

Brand required for sale of oleomargarine or butterine, imitation butter, or mixture imitating butter. These shall not be sold as butter.

ILLINOIS—ANTI-COLOR LAW.

(Approved June 14, 1897.)

Imitation butter is defined as any article not produced from pure milk or cream—salt, rennet, and coloring matter excepted—in semblance of butter and designed to be used as a substitute for it. Shall not be colored to resemble butter. All packages must be plainly branded "Oleomargarine," "Butterine," "Substitute for butter," or "Imitation butter." Each sale shall be accompanied by notice to the purchaser that the substitute is imitation butter.

INDIANA—LABEL LAW.

Butter other than that made from pure milk, when sold or used in hotels, etc., must be plainly labeled "Oleomargarine."

IOWA—ANTI-COLOR LAW.

(Passed in 1893.)

Imitation butter or cheese is defined as an article not produced from pure milk or cream—salt, rennet, and coloring matter excepted—in semblance of butter or cheese and designed to be sold as a substitute for either of them. Shall not be colored to resemble butter or cheese. Every package shall be plainly marked "Substitute for butter" or "Substitute for cheese," and each sale shall be accompanied by a verbal notice and a printed statement that the article is an imitation, the statement giving also the address of the maker. The use of these imitations in hotels, bakeries, etc., must be made known by signs.

No law.

KANSAS.

KENTUCKY—ANTI-COLOR LAW.

(Act of 1898.)

Oleomargarine, butterine, or kindred compounds, made in such form and sold in such manner as will advise the customer of its real character, and free from color or other ingredient to cause it to look like butter, is permitted.

LOUISIANA—LABEL LAW.

(Approved July 6, 1888.)

Such substances as oleomargarine, butterine, bogus butter, etc., shall be plainly labeled to indicate their composition. They shall not be sold as butter.

MAINE—ANTI-COLOR LAW.

(Approved March 27, 1895.)

Any article in imitation of yellow butter or cheese and not made exclusively of milk or cream is prohibited.

MARYLAND—ANTI-COLOR LAW.

(Passed in 1888.)

The manufacture, sale, or use in public eating places of any article in imitation of and designed to take the place of pure butter or cheese, and not made wholly from milk or cream, is prohibited. Mixtures of any animal fats or animal or vegetable oils with milk, cream, or butter shall be uncolored and marked with names and percentages of adulterants, and this information shall be given to purchasers.

MASSACHUSETTS—ANTI-COLOR LAW.

(Approved June 11, 1891.)

An article made wholly or partly out of any fat or oil, etc., not from pure cream, and which is in imitation of yellow butter, is prohibited; but oleomargarine, free from color or other ingredient to cause it to look like butter, and made in such form and sold in such manner as will advise the consumer of its real character, is permitted. It shall not be sold as butter, nor shall words like "dairy," "creamery," etc., or the name of any breed of dairy cattle, be used in connection with it. All packages exposed for sale must be plainly marked "Oleomargarine," and labels similarly marked must accompany retail sales. Stores where it is sold and wagons used for delivery must display signs, and hotels, etc., using it must notify guests. Persons selling oleomargarine must be registered and conveyors licensed.

MICHIGAN—ANTI-COLOR LAW.

(Approved April 15, 1897.)

Any article not made wholly from milk or cream, and containing melted butter, fats, or oils not produced from milk, and which is in imitation of pure butter, is prohibited; but oleomargarine, free from color or any ingredient to cause it to look like butter, and made in such form and sold in such manner as will advise the consumer of its real character, is permitted; its sale as butter is prohibited; signs must be displayed where it is sold or used, and its original packages must be plainly marked "Oleomargarine" if the article contains suet or tallow, or "Butterine" if it contains lard; retail sales shall be made from a package so marked, and a label similarly printed and bearing the name of the manufacturer shall be delivered with each sale; shall not be used in any public institution. (N. B.—The above law was invalidated in 1897 by the supreme court because of the fact that the enacting clause was omitted when it passed the senate.)

MINNESOTA—ANTI-COLOR LAW.

(Approved 1899.)

This law prohibits the sale of oleomargarine made in imitation of butter, and took the place of the pink law of 1891.

MISSISSIPPI—LABEL LAW.

(Approved March 9, 1882.)

Packages of oleomargarine or similarly manufactured butters shall be plainly labeled with the correct name of their contents, and the product shall be sold by that name. A privilege tax of \$5 is imposed upon persons selling the articles named.

MISSOURI—ANTI-COLOR LAW.

(Approved April 19, 1895.)

Imitation butter is defined as every article not produced wholly from pure milk or cream, made in semblance of and designed to be used as a substitute for pure butter; it shall not be sold as butter; shall not be colored to resemble butter unless it is to be sold outside the State; original packages shall be plainly stamped "Substitute for butter;" in hotels, etc., vessels in which it is served must be marked "Oleomargarine" or "Impure butter."

MONTANA—TAXED 10 CENTS A POUND.

(Penal code of 1895.)

Any article in semblance of butter or cheese and not made wholly from milk or cream must be plainly labeled "Oleomargarine" or "Imitation cheese," and a printed label bearing the same word or words must be delivered to the purchaser with retail sales. Places where these articles are sold or used must display signs, and information as to their character be given if requested. Dealers must pay a license of 10 cents a pound on each pound sold.

NEVADA—BRANDING LAW.

(Approved February 14, 1881.)

Any article in semblance of butter, but not made exclusively of milk or cream, or containing melted butter, shall be in packages plainly marked "Oleomargarine."

NEBRASKA—ANTI-COLOR LAW.

(Approved March 16, 1895.)

Imitation butter and cheese are defined as any article made in semblance of and designed to be used as a substitute for pure butter or cheese and not produced wholly from pure milk or cream, salt, rennet, and harmless coloring matter. These articles, including any having melted butter added to them, shall not be colored to resemble butter or cheese; shall be plainly marked "Imitation butter," or "Imitation cheese;" verbal and printed information of the character of the articles, and address of the maker, shall be given at time of sale; signs shall be displayed in public eating places where used.

NEW HAMPSHIRE—ANTI-COLOR LAW.

(Approved March 29, 1895.)

Any article not made wholly from unadulterated milk or cream, which is in imitation of pure yellow butter or cheese, is prohibited, unless in packages plainly marked "Adulterated butter," "Oleomargarine," or "Imitation cheese." A label printed with the words on the original package shall be delivered with each retail sale. Oleomargarine, free from color or ingredient to cause it to look like butter, and made in such form and sold in such manner as will advise the consumer of its real character, is permitted. Notice of the use of substitutes for butter in hotels, etc., shall be given to patrons.

NEW JERSEY—ANTI-COLOR LAW.

(Approved March 22, 1886.)

Any article made wholly or partly out of any fat, oil, etc., not from pure milk or cream, artificially colored in imitation of pure yellow butter, is prohibited; but oleomargarine and imitation cheese are permitted, if free from artificial color and in original package encircled by a wide black band bearing the name of the maker and having the name of the contents plainly branded on them with a hot iron. Retail sales shall be accompanied by a printed card on which the name of the substance and the address of the maker are plainly printed, and the customer shall be orally informed of the character of the article at the time of sale.

No law.

NEW MEXICO.

NEW YORK—ANTI-COLOR LAW.
(Approved April 10, 1893.)

The terms oleomargarine, butterine, imitation butter, or imitation cheese means any article in the semblance of butter or cheese not the usual product of the dairy and not made exclusively from unadulterated milk, or having any oil, lard, melted butter, etc., as a component part. Imitation butter: The manufacture of oleomargarine or any article in imitation of butter wholly or partly from fats or oils not produced from milk, or the sale or the use in hotels, etc., of such articles, is prohibited. No article intended as an imitation of butter and containing oils, fats, etc., not from milk, or melted butter in any condition, shall be colored yellow.

NORTH CAROLINA—LABOR LAW.
(Ratified February 28, 1895.)

Oleomargarine and butterine are defined as articles manufactured in imitation of butter, and which are composed of no ingredient or ingredients in combination with butter. Original packages shall be labeled with chemical ingredients and their proportions.

NORTH DAKOTA—ANTI-COLOR LAW.
(Laws of 1899.)

Law prohibits manufacture and sale of oleomargarine colored in semblance of butter.

OHIO—ANTI-COLOR LAW.
(Approved May 16, 1894.)

Oleomargarine is defined as any substance not pure butter of not less than 80 per cent butter fat and made for use as butter. It is permitted if free from coloring matter or other ingredient to cause it to look like butter, and made in such form and sold in such manner as will advise the consumer of its real character.

OKLAHOMA.

No laws.

OREGON—ANTI-COLOR LAW.
(Filed February 21, 1899.)

Forbids the manufacture and sale of oleomargarine colored in semblance of butter.

PENNSYLVANIA—ANTI-COLOR LAW.
(Passed in 1899.)

Prohibits manufacture and sale of oleomargarine made in semblance of butter.

RHODE ISLAND—BRANDING LAW.
(Laws of 1882.)

Any article not made wholly from milk or cream, but containing any melted butter or animal oil or fat not the product of milk, shall be plainly marked "Oleomargarine," and a label similarly printed shall be delivered with all retail sales.

SOUTH CAROLINA—ANTI-COLOR LAW.
(Approved March 9, 1895.)

Imitation butter and cheese are defined as every article not produced from pure milk or cream, with or without salt, rennet, and harmless coloring matter, which is in semblance of, and designed to be used, as a substitute for butter or cheese; they shall not be colored to resemble butter or cheese; original packages shall be marked "Substitute for butter," or "Substitute for cheese;" shall not be sold as genuine butter or cheese, nor used in hotels, etc., unless signs are displayed.

SOUTH DAKOTA—ANTI-COLOR LAW.
(Laws of 1897.)

Any article not made wholly from pure milk or cream, and in imitation of pure butter, is prohibited; but oleomargarine, colored pink and made in such form and sold in such manner as will advise the consumer of its real character, is permitted; notice of its use in public eating places must be given.

TENNESSEE—ANTI-COLOR LAW.
(Act of 1895.)

Any article which is in imitation of yellow butter and not made exclusively from pure milk or cream is prohibited; but oleomargarine, free from color or other ingredient to cause it to look like butter, and made in such form and sold in such manner as will advise the consumer of its true character, and other imitations if uncolored and labeled with their correct names, are permitted; wholesale packages shall be plainly labeled, and a label shall accompany retail sales.

TEXAS.

No law.

UTAH—ANTI-COLOR LAW.
(Approved March 8, 1894.)

Any article in semblance of butter or cheese, and not made wholly from milk or cream, shall be plainly marked "Oleomargarine butter," or "Imitation cheese," and retail sales shall be made from packages so marked. Such articles shall not be colored to resemble butter or cheese.

VERMONT—PINK LAW.
(Laws of 1884.)

The manufacture of any article in imitation of butter or cheese which contains any animal fat, or animal or vegetable oils or acids not produced from pure milk or cream, is prohibited.

Imitation butter.—Imitation butter for use in public eating places, or for sale, shall be colored pink.

VIRGINIA—ANTI-COLOR LAW.
(Approved January 29, 1898.)

The manufacture or sale of any article made wholly or partly from any fat or oil not produced from unadulterated milk or cream, which is in imitation of pure yellow butter, is prohibited; but oleomargarine, butterine, or kindred compound, made in such form and sold in such manner as will advise the consumer of its real character, and free from color or other ingredient to cause it to look like butter, are permitted. Signs, with the words "Imitation butter used here," shall be displayed in eating places, bakeries, etc., where the articles above named are used.

WASHINGTON—ANTI-COLOR LAW.
(Approved March 11, 1895.)

No article which is in imitation of pure yellow butter and is not made wholly from pure milk or cream, with or without harmless coloring matter, shall be manufactured, sold, or used in any public eating house or oleomargarine or penal institution, etc.; but oleomargarine, free from color or other ingredient to make it look like butter, and made in such form and sold in such manner as will advise the consumer of its real character, is permitted.

WEST VIRGINIA—PINK LAW.
(Approved February 16, 1891.)

Any substance in semblance of butter or cheese, and not made wholly from pure milk or cream, and packages containing such substances, shall be plainly marked; printed statements explaining the character of the substance must be given to consumers.

Oleomargarine.—Oleomargarine and artificial and adulterated butter shall be colored pink.

WISCONSIN—ANTI-COLOR LAW.
(Laws of 1895.)

Any article made partly or wholly out of any fat or oil, etc., not from pure milk or cream, and in imitation of yellow butter, is prohibited; but oleomargarine, free from color or other ingredient to make it look like butter, and made in such form and sold in such manner as will advise the consumer of its real character, is permitted. It shall not be sold as butter. All packages exposed for sale must be plainly marked "Oleomargarine." Signs must be displayed in selling places and on wagons. Hotels, etc., using it must notify guests. Use not permitted in charitable or penal institutions.

WYOMING.

No dairy laws.

The following official table, prepared by the Department of Agriculture, indicates the remarkable increase in the production of oleomargarine, and also makes plain the fact that only about 3 per cent of the quantity annually manufactured is exported, and Professor Pierson, assistant chief of the Dairy Division, pertinently remarks, "These figures furnish strong evidence that it is sold not only for use as butter, but as butter itself."

Production and distribution of oleomargarine and total revenue receipts therefrom, 1887 to 1899.

Fiscal year ended June 30—	Quantity produced.	Withdrawn tax paid. ^a	Withdrawn for export. ^b	Received all sources.
	Pounds.	Pounds.	Pounds.	Dollars.
On hand Nov. 1, 1886.....	181,090			
1887 (from Nov. 1, 1886).....	21,513,537	20,743,569	724,532	723,948.04
1888.....	34,325,527	31,589,165	1,686,198	864,139.88
1889.....	35,664,026	33,863,642	1,748,895	894,247.91
1890.....	32,324,032	30,797,935	1,618,397	786,291.72
1891.....	44,392,409	43,215,512	1,229,116	1,077,924.14
1892.....	48,364,155	46,915,501	1,295,782	1,266,326.00
1893.....	67,224,298	64,463,875	2,785,494	1,670,643.50
1894.....	69,622,246	66,066,058	3,406,683	1,723,479.90
1895.....	56,958,105	53,636,242	3,337,186	1,409,211.18
1896.....	50,853,234	47,741,793	3,106,204	1,219,432.46
1897.....	45,531,293	42,508,469	3,148,407	1,034,129.60
1898.....	57,516,136	55,079,887	2,259,705	1,315,708.54
1899.....	83,139,901	79,701,108	3,085,738	1,956,618.56
Total.....	647,609,989	616,352,756	29,442,337	15,942,101.43

^a Two cents per pound.

^b Without tax.

In my own State of Connecticut we have a very efficient dairy commission, and the laws are effectively enforced, with the result that while the sale of colored oleo is prohibited, considerable quantities of uncolored are sold and used. This is undoubtedly the case in other States where similar laws are enforced.

I have in my hands several bills of sale of uncolored oleomargarine, given by a Chicago manufacturer, being actual sales made to customers. This manufacturer also claims to have agencies in Philadelphia, Boston, Washington, Richmond, and other large cities, all indicating that unless there is a considerable and regular demand for the uncolored article these agencies would not be established and maintained.

I read from a bill rendered, without giving the purchaser's name: CHICAGO, January 25, 1900.

William J. Moxley, manufacturer of fine butterine.

Two 56-pound packages uncolored oleomargarine prints, 112 pounds, at 13 cents a pound, \$14.56.

It will be observed that the price paid, 13 cents per pound, is much lower than the usual market price of the colored article, enabling the retailer to sell with a fair profit at from 16 to 18 cents a pound.

With such facts in evidence, who shall say that by the prevention of the fraudulent sale of colored oleo at prices nearly approximating the cost of butter, together with a reduction in the cost of the uncolored article of nearly 2 cents per pound, enabling its sale at a price not exceeding 15 cents per pound, the laboring man or another who chooses or is forced to use oleomargarine in place of butter will not be benefited?

Certainly, none can deny that the great consuming public should be protected from the grasp of unscrupulous manufacturers and trusts, and if a combination of beef and hog fats, cotton-seed oil, and other waste or refuse products is to be made, colored and sold as a substitute for farmer's butter, then the manufacture and sale should be conducted openly and honestly rather than secretly and fraudulently.

The present Congress has been in session more than six months. Many important legislative measures have been enacted into laws, benefiting the financial, commercial, and manufacturing interests of the country, while very little has been done for agriculture. Why not now do something for the farmers? The passage of the Grout bill is asked for, and will be approved, not only by the farming and dairy interests, but by all lovers of fair play, fair trade, and honest dealing. [Loud applause.]

Mr. Speaker, I reserve the balance of my time. How much more time have I?

The SPEAKER. Forty minutes.

Mr. HENRY of Connecticut. I yield the control of the time of the majority, except this hour, to the gentleman from Vermont [Mr. GROUT].

The SPEAKER. Let the Chair understand this matter. The gentleman can reserve the remainder of his hour, but he can not cut off gentlemen on the other side from occupying their first hour.

Mr. HENRY of Connecticut. I transfer the control of the bill to the gentleman from Vermont, reserving the balance of my time.

The SPEAKER. Nothing can be done now, except that the gentleman can reserve the remainder of his time; and the Chair must recognize some one opposed to the bill.

Mr. HENRY of Connecticut. All right.

The SPEAKER. The Chair recognizes the gentleman from New York [Mr. WADSWORTH].

Mr. WADSWORTH. Mr. Speaker, it is not my intention to discuss at length or in detail this proposed legislation, but simply to state to the House in a general way the position of the minority in regard to it, and I shall leave to my colleagues of the minority of the Agricultural Committee the task of explaining in detail the substitute bill which we shall offer in lieu of the Grout bill, and the legal and constitutional questions involved.

On one point, however, first of all, the minority wish to be thoroughly understood—i. e., they are just as sincere and just as earnest in their wish and their determination to prevent the fraud now practiced, not by the manufacturers, mark you, but by the retail butter dealers, in the sale of oleomargarine as self-respecting men can be, and they believe the substitute bill which will be offered by them at the proper time will reduce the possibility of this fraud to a minimum.

In examining this proposed legislation the first question which naturally arose was, Is oleomargarine a wholesome food product? On this point I wish to read the testimony of many well-known chemists and scientific men, and I ask the close attention of the House to the character of this testimony, because I have found many members in absolute ignorance on this point, and many with the idea that it was a vile, filthy, and unwholesome stuff.

Prof. S. C. Caldwell, of Cornell University, Ithaca, N. Y., says:

While not equal to fine butter in respect to flavor, it nevertheless contains all the essential ingredients of butter, and since it contains a smaller proportion of volatile fats than is found in genuine butter, it is, in my opinion, less liable to become rancid. It can not enter into competition with fine butter, but so far as it may serve to drive poor butter out of the market, its manufacture will be a public benefit.

I have also the testimony of Prof. C. F. Chandler, professor of chemistry at Columbia College, New York; Prof. George F. Barker, of the University of Pennsylvania; Prof. Henry Morton, of the Stevens Institute of Technology, New Jersey; Prof. S. W. Johnson, director of the Connecticut Agricultural Experiment Station and professor of agricultural chemistry in Yale College, New Haven; Prof. C. A. Goessmann, of Amherst Agricultural College; Prof. Charles P. Williams, professor in the Missouri State University; Prof. J. W. S. Arnold, professor of physiology in the University of New York; Prof. W. O. Atwater, director of the United States Government Agricultural Experiment Station at Washington; Prof. Henry E. Alvord, formerly of the Massachusetts Agricultural College and president of the Maryland College of Agriculture, and now chief of the dairy division of the United States Department of Agriculture, and Prof. Paul Schweitzer, Ph. D., LL. D., professor of chemistry, Missouri State University.

This evidence was enough to convince the minority that oleomargarine was a nutritious and wholesome article of food, and therefore entitled to a place among the food products of the country.

Now, what does the Grout bill propose to do with this nutritious and wholesome food product? I will read you, and again I ask the most careful attention of the House to what the most strenuous advocates of the Grout bill told our committee.

Let me refer first to the testimony of Mr. Adams, pure-food commissioner of the State of Wisconsin. In his testimony before the committee on March 7, 1900, he says:

There is no use beating about the bush in this matter. We want to pass this law and drive the oleomargarine manufacturers out of the business.

That is what he says, and he ought to know.

Then here is the testimony of Charles Y. Knight, secretary of the National Dairymen's Union. In a letter to the Virginia Dairymen, dated March 18, 1900, he says:

Now is the time for you to clip the fangs of the mighty octopus of the oleomargarine manufacturers who are ruining the dairy interests of this country by manufacturing and selling, in defiance of law, a spurious article in imitation of pure butter.

Observe, this gentleman undertakes to say what the oleomargarine manufacturers are doing. I deny his statement. They are not doing what he charges. It is the retail dealers in butter who are doing it.

Mr. McCLEARY rose.

Mr. WADSWORTH. I decline to be interrupted. The gentleman understands, of course, that I do not mean to be discourteous.

Mr. Knight continues:

We have a remedy almost in grasp which will eliminate the manufacture of this article from the food-product list. The Grout bill, now pending in the Agricultural Committee of the House of Representatives in Congress, meets the demand.

Mr. W. D. Hoard, ex-governor of Wisconsin and president of the National Dairymen's Union, stated in his testimony before the committee, March 7, 1900, as follows:

To give added force to the first section of the bill, it is provided in the second section that a tax of 10 cents a pound shall be imposed on all oleomargarine in the color or semblance of butter. In plain words, this is repressive taxation.

Let me say that the first section of the bill to which this gentleman refers always met the approval of the Committee on Agriculture and was reported by them favorably and passed two years ago.

Mr. Hoard and Mr. Knight are officers of the National Dairymen's Union, the organization that framed the second section of the Grout bill and sent it to the gentleman from Vermont to introduce. They certainly ought to know what object they set out to accomplish through the means of this second section, and they had the courage to boldly avow it before the committee.

Just here, the minority of the Agricultural Committee parted company with the National Dairymen's Union, for we do not believe that the Congress ought to ruin one American industry to benefit another, and that is just the object sought by these men by their own confession.

I want to touch very briefly on the color question. It is claimed by the extreme butter men that yellow is the natural butter color, and that practically no other food product has the right to use it. If that claim is true, what shade of yellow is it entitled to? Here are samples of butter purchased by me this morning, and no two of them are alike in color. Mr. Speaker, as a matter of fact every sample before you is artificially colored.

Mr. McCLEARY. How does the gentleman know that those samples are butter?

Mr. WADSWORTH. I bought them of a reputable dealer in Center Market, this city.

Mr. STEELE. What is the objection, whether they are butter or oleomargarine, if they are not unwholesome?

Mr. WADSWORTH. I am not entering into that question now. I am simply showing that butter is colored all sorts of shades.

Mr. DAHLE. How does the gentleman know that those are colored specimens of butter?

Mr. WADSWORTH. I am a butter maker myself.

Mr. DAHLE. I am, also.

Mr. WADSWORTH. As a matter of fact, every sample which I here exhibit is artificially colored.

Mr. Speaker, it is only in the months of May and June—and I speak as a practical butter maker myself when I make the assertion—that creamery butter, and that, of course, is the butter of commerce, has a decided yellow color or tint, and that color disappears entirely, or almost so, when the fall and winter sets in. The truth of the matter is that we all color our butter for the purpose of making it uniform in appearance and to meet the demands of the trade throughout the country, just as the wagon maker has to paint his wagons to meet the demands of his trade and to make his goods pleasing to the eye of his customers.

Let me read to you an advertisement in the Chicago Dairy Produce Journal, which appears right on the front page and where no honest butter maker, or anybody else who looked at the Journal, can possibly miss seeing it. It says:

The conventions are over. Between hay and grass you will want a butter color that can be depended upon to give your butter the true June shade. That color is Wells Richardson Co. Improved, the kind that has no mud.

Mr. TAWNEY. Will the gentleman allow me to interrupt him for a question?

Mr. WADSWORTH. Certainly.

Mr. TAWNEY. Do you color the butter that is placed upon the market for the purpose of representing anything else but butter?

Mr. WADSWORTH. I deny, Mr. Speaker, that butter has the copyright, patent right, or any other right to any particular color, whether yellow or otherwise.

Mr. GAINES. Was the butter the gentleman exhibited here genuine?

Mr. WADSWORTH. I am not able to answer the gentleman. I bought it, I will state, from a reputable dealer in the Center Market in this city, as I have stated. If it is not genuine, then I was misled. If the gentleman has any doubt about it, he can take the samples I have submitted to the Agricultural Department and have them tested for himself.

Mr. GAINES. For what purpose did you present these samples here?

Mr. WADSWORTH. For the purpose of showing to the House that the color of butter is a varying quantity.

Mr. GAINES. It is understood to be genuine butter?

Mr. WADSWORTH. I bought it for that purpose and to exhibit it on the floor of the House.

Now, Mr. Speaker, I think I need not say anything more in regard to the color question of butter, except that if coloring oleomargarine a shade of yellow helps to perpetrate a fraud, then the coloring of butter is actually a fraud, because it makes the consumer believe, and necessarily, that fall or winter or white butter of any season of the year is June butter, which is generally considered the best. Therefore, there is nothing whatever in the color question.

Mr. Speaker, before sitting down, I desire to call the attention of the House to a matter which I think will interest personally every member, and I do not know but that it affects the dignity and good standing of this body before the country. During the last two weeks of the campaign just closed there was scattered broadcast through my district and through many other districts by the National Dairymen's Union, through one Knight, its secretary, and therefore its agent, this circular. [Showing the House copy of a circular representing oleomargarine manufacturer in prison garb tendering money to member.]

It is a cowardly attack—by innuendo—upon the integrity of many members of this body who dare to differ from them. I can hardly believe that the National Dairymen's Union approve of methods employed by their secretary in this matter. But if they do not, they should disavow these methods and dismiss from their service an agent who is guilty of such practices; otherwise, they themselves are knowingly guilty of the miserable, cowardly attack upon the integrity of many members of this House, and neither they nor their opinions nor their wishes are deserving of any consideration at our hands.

I will print as a part of my remarks the minority report of the committee.

The report is as follows:

VIEWS OF THE MINORITY.

The minority of the Committee on Agriculture of the House of Representatives beg leave to submit the accompanying bill, which we offer as a substitute for H. R. 3717, known as the Grout bill.

We first wish to bring to the attention of the House proof positive that oleomargarine is a wholesome and nutritious article of food, and is therefore entitled to a legitimate place in the commerce of our country. In substantiation of this statement we beg to submit the following testimony taken before the committee:

"OPINIONS OF LEADING SCIENTISTS.

"Prof. C. F. Chandler, professor of chemistry at Columbia College, New York, says: 'I have studied the question of its use as food, in comparison with the ordinary butter made from cream, and have satisfied myself that it is quite as valuable as the butter from the cow. The product is palatable and wholesome, and I regard it as a most valuable article of food.'

"Prof. George F. Barker, of the University of Pennsylvania, says: 'Butterine is, in my opinion, quite as valuable as a nutritive agent as butter itself. It is perfectly wholesome, and is desirable as an article of food. I can see no reason why butterine should not be an entirely satisfactory equivalent for ordinary butter, whether considered from the physiological or commercial standpoint.'

"Prof. Henry Morton, of the Stevens Institute of Technology, New Jersey, says: 'I am able to say with confidence that it contains nothing whatever which is injurious as an article of diet, but, on the contrary, is essentially identical with the best fresh butter, and is superior to much of the butter made from cream alone which is found in the market. The conditions of its manufacture involve a degree of cleanliness and consequent purity in the product such as are by no means necessarily or generally attained in the ordinary making of butter from cream.'

"Prof. S. W. Johnson, director of the Connecticut Agricultural Experiment Station, and professor of agricultural chemistry in Yale College, New Haven, says: 'It is a product that is entirely attractive and wholesome as food, and one that is for all ordinary and culinary purposes the full equivalent of good butter made from cream. I regard the manufacture of oleomargarine as a legitimate and beneficent industry.'

"Prof. S. C. Caldwell, of Cornell University, Ithaca, N. Y., says: 'While not equal to fine butter in respect to flavor, it nevertheless contains all the essential ingredients of butter, and since it contains a smaller proportion of volatile fats than is found in genuine butter it is, in my opinion, less liable to become rancid. It can not enter into competition with fine butter; but so far as it may serve to drive poor butter out of the market its manufacture will be a public benefit.'

"Prof. C. A. Goessmann, of Amherst Agricultural College, says: 'Oleomargarine butter compares in general appearance and in taste very favorably with the average quality of the better kinds of dairy butter in our markets. In its composition it resembles that of ordinary dairy butter, and in its keeping quality, under corresponding circumstances, I believe it will surpass the former, for it contains a smaller percentage of those constituents which, in the main, cause the well-known rancid taste and odor of a stored butter.'

"Prof. Charles P. Williams, professor in the Missouri State University, says: 'It is a pure and wholesome article of food, and in this respect, as well as in respect to its chemical composition, fully the equivalent of the best quality of dairy butter.'

"Prof. J. W. S. Arnold, professor of physiology in the University of New York, says: 'I consider that each and every article employed in the manufacture of oleomargarine butter is perfectly pure and wholesome; that oleomargarine butter differs in no essential manner from butter made from cream. In fact, oleomargarine butter possesses the advantage over natural butter of not decomposing so readily, as it contains fewer volatile fats. In my opinion, oleomargarine is to be considered a great discovery, a blessing for the poor, and in every way a perfectly pure, wholesome, and palatable article of food.'

"Prof. W. O. Atwater, director of the United States Government Agricultural Experiment Station at Washington, says: 'It contains essentially

the same ingredients as natural butter from cow's milk. It is perfectly wholesome and healthy and has a high nutritious value.'

"Prof. Henry E. Alvord, formerly of the Massachusetts Agricultural College, and president of the Maryland College of Agriculture, and now chief of the Dairy Division of the United States Department of Agriculture, and one of the best butter makers in the country, says: 'The great bulk of butterine and its kindred products is as wholesome, cleaner, and in many respects better than the low grades of butter of which so much reaches the market.'

"Prof. Paul Schweitzer, Ph. D., LL. D., professor of chemistry, Missouri State University, says: 'As a result of my examination, made both with the microscope and the delicate chemical tests applicable to such cases, I pronounce butterine to be wholly and unequivocally free from any deleterious or in the least objectionable substances. Carefully made physiological experiments reveal no difference whatever in the palatability and digestibility between butterine and butter.'

Professor Wiley, Chief of the Division of Chemistry of the United States Department of Agriculture, also appeared before the committee and testified to the nutritive and wholesome qualities of oleomargarine.

The Committee on Manufactures of the United States Senate, in a report dated February 28, 1900, finds, from the evidence before it, "that the product known commercially as oleomargarine is healthful and nutritious."

Judge Hughes, of the Federal court of Virginia, in a decision, says:

"It is a fact of common knowledge that oleomargarine has been subjected to the severest scientific scrutiny, and has been adopted by every leading government in Europe as well as America for use by their armies and navies. Though not originally invented by us, it is a gift of American enterprise and progressive invention to the world. It has become one of the conspicuous articles of interstate commerce and furnishes a large income to the General Government annually."

Believing that this testimony establishes beyond controversy that oleomargarine is a nutritious and wholesome article of food, the main question to be considered is the complaint that fraud is practiced in its sale.

The only just complaint (indeed, the only complaint) against the existing oleomargarine law consists in the facility with which the retail dealer, in selling from the original or wholesale package and substituting a new and unmarked wrapper, may violate the law. There is nothing in H. R. 3717 (known as the Grout bill) which would decrease the temptation or increase the difficulty of such violations. On the contrary, the increased taxation would either be fraudulently evaded, or else would force the honest manufacturer out of business. H. R. 3717 merely increases taxation without providing any new or additional penalties or any new methods to prevent the sale of oleomargarine as butter, either in its colored or uncolored state. In fact, the radical advocates of the Grout bill do not seek this end, as they have declared in their testimony before the committee and in declarations elsewhere that their sole intention is to absolutely crush out the manufacture of oleomargarine and eliminate it as a food product.

In substantiation of this assertion we quote the following:

Mr. Adams, pure food commissioner of the State of Wisconsin, in his testimony before the committee on March 7, 1900, said:

"There is no use beating about the bush in this matter. We want to pass this law and drive the oleomargarine manufacturers out of the business."

Charles Y. Knight, secretary of the National Dairy Union, in a letter to the Virginia Dairymen, dated May 18, 1900, writes:

"Now is the time for you to clip the fangs of the mighty octopus of the oleomargarine manufacturers, who are ruining the dairy interests of this country by manufacturing and selling in defiance of law a spurious article in imitation of pure butter. We have a remedy almost in grasp which will eliminate the manufacture of this article from the food-product list. The Grout bill, now pending in the Agricultural Committee of the House of Representatives in Congress, meets the demand."

W. D. Hoard, ex-governor of Wisconsin and president of the National Dairy Union, stated in his testimony before the committee on March 7, 1900, as follows:

"To give added force to the first section of the bill, it is provided in the second section that a tax of 10 cents a pound shall be imposed on all oleomargarine in the color or semblance of butter. In plain words, this is repressive taxation."

In view of this testimony the minority believe they are justified in claiming that the Grout bill, if enacted into law, would destroy the business of the legitimate oleomargarine manufacturers. In other words, Congress is being asked to ruin one industry to benefit another; and this, in the opinion of the minority, is a thing Congress ought not to do. The minority believe it to be class legislation of the most pronounced kind and would establish a precedent which, if followed, would create monopolies, destroy competition, and militate against the public good.

The substitute bill offered by the minority would, in our opinion, eliminate all possibility of fraud, and would compel the manufacturers of and dealers in oleomargarine to sell it for what it really is and not for butter. The substitute offered is practically an amendment to sections 3 and 6 of the existing oleomargarine law. The licenses for manufacture and sale of this article are not changed, and are as follows: Manufacturers, \$300 per annum; wholesale dealers, \$480 per annum; retailers, \$48 per annum, while the penalties imposed for violations of the law are materially increased. We quote in full section 2 of the substitute bill, and ask for it the careful and thoughtful consideration of the House, believing that it is just and fair to all the interests involved:

"SEC. 2. That all oleomargarine shall be put up by the manufacturer for sale in packages of 1 and 2 pounds, respectively, and in no other or larger or smaller package; and upon every print, brick, roll, or lump of oleomargarine, before being so put up for sale or removal from the factory, there shall be impressed by the manufacturer the word 'oleomargarine' in sunken letters, the size of which shall be prescribed by regulations made by the Commissioner of Internal Revenue and approved by the Secretary of the Treasury; that every such print, brick, roll, or lump of oleomargarine shall first be wrapped with paper wrapper with the word 'oleomargarine' printed thereon in distinct letters, and said wrapper shall also bear the name of the manufacturer, and then shall be put by the manufacturer thereof in such wooden or paper packages or in such wrappers, with the word 'oleomargarine' printed thereon in distinct letters, and marked, stamped, and branded in such manner as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe, and the internal-revenue stamp shall be affixed so as to surround the outer wrapper of each 1 and 2 pound package: *Provided*, That any number of such original stamped packages may be put up by the manufacturer in crates or boxes, on the outside of which shall be marked the word 'oleomargarine,' with such other marks and brands as the Commissioner of Internal Revenue shall, by regulations approved by the Secretary of the Treasury, prescribe.

"Retail dealers in oleomargarine shall sell only the original package to which the tax-paid stamp is affixed.

"Every person who knowingly sells or offers for sale, or delivers or offers to deliver, any oleomargarine otherwise than as provided by this act or contrary to the regulations of the Commissioner of Internal Revenue made in pursuance hereof, or who packs in any package any oleomargarine in any manner contrary to law, or who shall sell or offer for sale as butter any oleomargarine, colored or uncolored, or who falsely brands any package, or

affixes a stamp on any package denoting a less amount of tax than that required by law, shall be fined for the first offense not less than one hundred nor more than five hundred dollars and be imprisoned not less than thirty days nor more than six months; and for the second and every subsequent offense shall be fined not less than two hundred nor more than one thousand dollars and be imprisoned not less than sixty days nor more than two years."

One of the claims made by the friends of the Grout bill is that it will protect the interests of the farmer. We call attention to the fact that every ingredient that enters into the manufacture of oleomargarine is as much a product of the farm as is butter, and that such ingredients are made more valuable on account of their use in the manufacture of oleomargarine.

Your committee has had before it representatives of both the cattle and hog raisers of the country and also representatives of the cotton industry, and they are unanimous in their opinion that their business will be materially injured and the price of their product lowered by the passage of the Grout bill and the destruction of the oleomargarine industry.

The manufacture and sale of oleomargarine does not interfere with the growth and prosperity of the butter industry. Statistics show a much greater percentage in the increase of the production of butter than in the production of oleomargarine. Though similar in ingredients, they are not strictly competing, as the oleomargarine is practically all bought by the poorer class of our people.

In justification of this statement we have received a large number of petitions from the labor organizations of our country protesting against the passage of this bill for the above-given reasons.

It being possible to keep oleomargarine in a sweet and sound condition much longer than butter, it is also used extensively in the mining and lumber camps, on exploring and hunting expeditions, on ships at sea, and by armies in the field.

The claim made by the friends of the Grout bill that the manufacture and sale of oleomargarine has greatly depreciated the price of butter will not obtain when it is known that there is now manufactured in the United States nearly 2,000,000,000 pounds of butter annually, and it is positively known that there only were 83,000,000 pounds of oleomargarine manufactured last year, which shows that the amount of oleomargarine produced is about 4 per cent of the amount of butter produced. Therefore, the argument that oleomargarine in any material sense controls the price of butter is not justified by the facts.

The manufacture and sale of oleomargarine have in no way depreciated the price of butter, as more butter is being sold at higher price in this country than ever before, as shown by testimony.

It is a suggestive fact that those sections of our country which are most exclusively devoted to the dairy interests are blessed with the greatest prosperity, as brought out in the testimony of ex-Governor Hoard, of Wisconsin, before our committee, who said that a few years ago land was worth only \$15 an acre in that State, but as the State began to be devoted more exclusively to the dairy interests land had rapidly appreciated in price, and that farmers had gotten out of debt, had paid their mortgages, and the land is now worth the sum of \$80 per acre, this price averaging much higher than agricultural lands in other parts of the country.

In conclusion, the members of the Committee on Agriculture who have joined in this minority report beg to assure the House and the country in the most solemn manner possible that it has been their earnest intention, and is now their determination, to do everything possible to be done to enforce the sale of oleomargarine as oleomargarine and to prevent its sale as butter. To prevent fraud, and not to stamp out an industry, has been and is our purpose. We believe that it ought to be the sole purpose of all legislation and the sole motive of all just men.

J. W. WADSWORTH.
WM. LORIMER.
W. J. BAILEY.
G. H. WHITE.
JOHN S. WILLIAMS.
J. WM. STOKES.
H. D. ALLEN.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CUNNINGHAM, one of its clerks, announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

S. 5053. An act to amend an act authorizing the construction of a bridge across the Mississippi River at Dubuque, Iowa, approved March 6, 1900; and

S. 5024. An act granting permission to Capt. B. H. McCalla, United States Navy, and Commander William C. Wise, United States Navy, to accept decorations tendered to them by the Emperor of Germany.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 4400. An act for the relief of Frank E. Kellogg, collector of the Sixth internal-revenue district of Missouri.

OLEOMARGARINE.

Mr. HENRY of Connecticut. Mr. Speaker, I desire to resign the charge of this bill on the floor of the House to the gentleman from Vermont [Mr. GROUT].

Mr. McCLELLAN. Do I understand that the gentleman yields the remainder of his time?

The SPEAKER. No; only the control of the bill, as he has suggested.

Mr. McCLELLAN. No arrangement has been made as to the time for debate?

The SPEAKER. None.

Mr. McCLELLAN. Then I suppose the gentleman from Connecticut has only an hour?

The SPEAKER. The gentleman from Vermont, by this arrangement, will be placed in charge of the bill instead of the gentleman from Connecticut, and may make such motion with reference to its consideration in the House as he desires.

Mr. TAWNEY. Mr. Speaker, I ask unanimous consent that general debate be closed at half past 4 o'clock to-day and that the time shall be equally divided between both sides, the control of the proposition being in the hands of the gentleman from Ver-

mont [Mr. GROUT] and the minority report in the hands of the gentleman from New York [Mr. WADSWORTH], and also that the time between half past 4 and 5 o'clock be devoted to the consideration of the bill under the five-minute rule, the vote to be taken at 5 o'clock.

Mr. WILLIAMS of Mississippi. Mr. Speaker, I object to that. That is not sufficient time for the discussion of a bill which is as important as this bill.

The SPEAKER. Objection is made.

Mr. GROUT. Mr. Speaker, I wish to thank the gentleman from Connecticut [Mr. HENRY] who reported this bill for yielding to me its custody. It is an old acquaintance, and I am glad to see it, after much tribulation, so well on its way through the House.

I wish also to thank the gentleman and all others of the majority of the Committee on Agriculture for the resolute fight made by them in committee in behalf of the bill, and for bringing it into the House against great odds with a favorable report. It is a bill, sir, in which the whole body of the American people is interested. It looks to the suppression of fraud upon a food product that is consumed by every man, woman, and child of our 76,000,000 people. It seeks to stop the fraudulent sale of oleomargarine for butter. Over 104,000,000 pounds of oleomargarine were manufactured and sold last year, and probably not 1 pound in a thousand of this strange compound but what was consumed by a confiding public, supposing it to be butter. This was an average of about 1½ pounds of this stuff per capita of our entire population, and I expect we all ate our allowance.

The amount of butter sold in the markets of the country is estimated to be about 800,000,000 pounds annually. Thus do we see that about one-ninth of what is sold to the American people as butter is really oleomargarine. One supposes he is eating butter; but the chances are one in nine that he is eating oleomargarine, and this is the case whether one sits at table in a hotel, restaurant, boarding house, or perchance in the house of a friend, unless that friend resides on a farm where honest butter is made.

Mr. HILL. How about the rest of the things on the table?

Mr. GROUT. Very likely, not all pure, but they are not up for consideration in this bill. We will discuss other food adulterations when they are before us. This bill is leveled at the biggest fraud of them all, one of colossal proportions, and if we can handle this the smaller food adulterations will be all the more easily dealt with. One point at a time, if you please.

Every ninth pound of what passes for butter through the channels of trade in the United States is oleomargarine. Think of it, and tell me if the people of this country are not entitled to relief from this dirty fraud? Tell me also if the makers of butter, which costs at least 17 or 18 cents per pound, are not entitled to relief from the destructive competition of this villainous stuff, which costs not over 6 or 7 cents per pound, but is sold for the price of butter?

This could not be done were it not for the false color that is given it. In its natural state it is colorless. The trouble all comes from giving it a color not its own, the color of butter—always yellow. The oleomargarine men complain because butter is sometimes colored, but the coloring of butter only intensifies a little its natural color—the color that belongs to it, the color by which the world knows it, the color that this false product seeks in order that it may palm itself off for butter.

Mr. BURKE of Texas. Do I understand the gentleman to assert to the House that the manufacturers of butter do not color it?

Mr. GROUT. No; we know that it is sometimes colored. We know that, to meet a varying taste, coloring matter is introduced into butter. I myself think it a foolish practice. I think that the taste of anyone which requires artificial coloring matter in butter is an abnormal and perverted taste. It were better to let it go in its natural color. My friend, the gentleman from New York [Mr. WADSWORTH], chairman of the Committee on Agriculture, showed us some samples here a few minutes ago, claiming them to be highly colored. I undertake to say that a good Jersey cow, well fed, in the month of December—for this is supposed to be a December product, or November at the farthest—a good Jersey cow, well fed on good, fresh hay and a suitable supply of corn meal properly intermixed with shorts, so that it shall not cloy her, will color her butter as well as the specimens which the gentleman put on exhibition here.

Mr. WADSWORTH. Will the gentleman allow me?

Mr. GROUT. Certainly.

Mr. WADSWORTH. I distinctly stated that I referred to the butter of commerce. I did not refer to butter made on private farms from the milk of Jersey cows, well fed with corn meal and all that sort of thing. I referred to the butter of commerce, not to the butter produced by private dairies.

Mr. GROUT. The butter of commerce, Mr. Speaker, is largely produced from Jersey cows, of which there is a vast number in the country, and which are constantly becoming more numerous.

The Jersey is the proper butter-making cow and is so recognized the world over. But we will not dwell upon that.

Now, Mr. Speaker, 32 States have prohibited the sale of oleomargarine when colored like butter. Those 32 States contain 62,000,000 of the people of this country. That shows what 32 States think of colored oleomargarine. And I want every member of this House, when he comes to vote on this bill, to remember what his own State has done on the subject. He will find that in 32 instances the sale of oleomargarine colored like butter is prohibited. The practical effect of this bill will be to bring into harmony the State and Federal laws. I will now explain briefly the provisions of the bill and then yield to others, taking time hereafter to answer points that may be raised if not satisfactorily answered by gentlemen who will follow me.

The first section of the bill simply puts oleomargarine and all imitation butter products under control of the State law the moment they enter the State from another State, the same as though manufactured within the State. This section is an almost exact reproduction of the Wilson law relative to intoxicating liquors and on which there has been a decision of the Supreme Court holding the law to be constitutional. It was to overcome the original-package decision that the Wilson law was passed. It had previously been held by the Supreme Court that articles brought from one State into another were entitled to one exchange, one sale, before the local laws could reach them. And while this decision was concerning the rights of a package of intoxicating liquor, the same principle would apply to all interstate transactions. I repeat, the Wilson law has been held by the Supreme Court to be constitutional. Hence there can be no question as to the constitutionality of this first section.

But let me say, further, that the Supreme Court, in the case of *Plumley vs. The State of Massachusetts*, which came up on a writ of error, has held that under the police power of the State oleomargarine colored in imitation of butter was subject to control of State laws, inasmuch as it was calculated to deceive. The man Plumley was convicted under the anti-color law of Massachusetts of selling oleomargarine for butter, and fined and imprisoned. He brought a writ of habeas corpus in the supreme court of that State on the ground that the Massachusetts statute was unconstitutional, but the court held that the proceeding was regular. Then he brought his case to the United States Supreme Court on a writ of error, and that court affirmed the decision. In other words, that court held in exact accordance with section 1 of this bill. Some one says, "Then why the necessity for this section?"

I will tell you why. That decision was rendered by a divided court. The Chief Justice and two associate justices dissented from the view taken by the rest of the court, whose opinion was delivered by Mr. Justice Harlan. And lest on some evil day the Supreme Court, in the mutations of time, may hold the other way—because this is a vexed question, with millions of dollars behind it—I say lest they may hold the other way, the dairymen of the country want this provision written in the statute law of the land as well as in the decisions of the Supreme Court, thus establishing a double guaranty for the States to exercise their police power to prevent fraud and crime whenever an article enters one State from another, the interstate-commerce clause of the Constitution to the contrary notwithstanding. This is the purpose which section 1 will serve.

Now, some one may say, with this section, and with the laws in 32 States prohibiting the sale of colored oleomargarine, why does not that settle the question? My friend from Texas nods smilingly, as if it ought to; but it does not, and I will tell you why. Mr. Speaker, it is because the enormous profits arising from the fraudulent sale of oleomargarine for butter present an overpowering temptation to the manufacturer and retailer to sell it for butter and at the price of butter. These profits could not have been less than fourteen or fifteen million dollars on the 104,263,651 pounds produced during the last fiscal year. The cost per pound was a little over 8 cents, with the tax paid. It was sold all the way from 15 or 16 cents, for that which went to hotels, restaurants, and boarding houses, to 20 or 30 cents per pound, for which price the enterprising retailer works off some of it for the best dairy butter. Think of it. Fourteen or fifteen million dollars profits!

Mr. BURKE of Texas. Will the gentleman yield to a question?

Mr. GROUT. Certainly.

Mr. BURKE of Texas. Then, as I understand the gentleman, the dairy interests are proposing this measure on account of the enormous profits?

Mr. GROUT. Not simply because of profits, but because they are fraudulent profits. The dairymen propose this measure because of the fraud that is perpetrated upon them by the sale of oleo as butter, and they mention the profits as the inducement for people to enter into this business and practice this fraud. They also refer to these enormous profits as stimulating and encouraging the fraud. Not only do the butter men propose this measure and make these suggestions, but the whole American people, all

of whom eat butter, propose it in the interest of honest dealing and that they may know what they are eating.

Mr. BURKE of Texas. One other suggestion, with the permission of the gentleman from Vermont.

Mr. GROUT. Certainly.

Mr. BURKE of Texas. This, then, in the way of a suggestion, that if the bill proposed by the minority—

Mr. GROUT. Do not take me away from this point. I desire to close as soon as possible and yield to others.

Mr. BURKE of Texas. Does not the gentleman from Vermont think that if the bill proposed to the House by the minority were enacted every protection that the people of this country could have would be afforded?

Mr. GROUT. I do not think they would have one particle more protection than they have now; and later, when this substitute bill has been presented, if some other speaker does not absolutely riddle it, I will give attention to it myself. I shall not, however, just now discuss it, but do wish to explain the bill before the House, and make plain the way in which, as I believe, it will stop the fraud, and then I will yield the floor to others.

Mr. Speaker, lest these interruptions have turned aside the attention of the House, let me ask that gentlemen keep in mind the point I am endeavoring to make, viz, that State control as given by the first section of the bill and the anti-color laws of the States are found insufficient to suppress the fraudulent sale of oleomargarine as butter. A simple statement of the facts will prove this. We already have State control under the Supreme Court decision in the *Plumley* case, and we have anti-color State laws, but still oleo is sold as butter.

Right here let me again tell you why. It is because of the enormous profits realized therefrom, and of which I have already spoken. Does anyone question the cost of this stuff as already given? If so, let me tell the House that Armour & Co., in a legal proceeding, stated that it cost less than 5 cents per pound, exclusive of the tax. But that was a few years ago, when the greases of which it is made were somewhat cheaper than now. I hold in my hand a prospectus issued by a company now erecting an oleomargarine factory in this city, in which the cost is given as 5.54 cents per pound, not including the tax. This stuff is sold to the hotel men, the boarding house and restaurant keepers at 15 or 16 cents per pound. These men put it off in turn on their unsuspecting guests for butter, and thus the fraud is accomplished. But as to the retail dealer—

Mr. WADSWORTH. Will the gentleman allow me to correct his statement where he has read the cost? He has only read the cost of the material; but if he will read the cost of labor, paper, tubs, etc., he will find that that is 1.38, and, with the internal revenue, 8.92 cents, and not 5.54 cents, as he has stated.

Mr. GROUT. I stand corrected in part, but the 5.54 cents did not include the tax. I see, however, in another paragraph below the one from which I read, a further estimate, which is for labor, paper, tubs, etc., 1.38 cents, which would make it 6.92 cents instead of 5.54 cents. But the retail dealer, Mr. Speaker, has another job on his hands. To reap his harvest he must sell it for butter. Now, I wish I had some of the samples of oleomargarine which I have, so that you may see how it is done.

Mr. WADSWORTH. The gentleman from Illinois [Mr. LORIMER] will have them here.

Mr. GROUT. I want my own samples. Will the Doorkeeper—

Mr. WADSWORTH. Does the gentleman manufacture it himself?

Mr. GROUT. No; I am neither a manufacturer nor a defender of it. Will the Doorkeeper ask that the samples in the room of the Committee on Expenditures of the War Department be brought in?

Mr. FLEMING. Possibly the gentleman can get them in the restaurant.

Mr. GROUT. No, Mr. Speaker, I wish to say I have tasted of the butter served in the restaurant below several times. In order to tell butter from oleomargarine by the taste you have to wait a little. It takes a little time to do it. You must not be in a hurry. The sense of smell also helps to a conclusion. Instead of the delicate aroma and fine flavor of pure butter, oleomargarine gives you the odor of dead flowers and the taste of the charnal house. I am glad to say I have never tasted anything but butter in this restaurant, and I have had my tasters after it several times. It is in many places, Mr. Speaker, but I do not think in this Congress it would very likely be found in the restaurants in the Capitol in the face of the present agitation, however it might be in more peaceful times. But to go back to the seller. He enters into the business of selling the stuff, and he works it off all the way from 18 to 30 cents a pound, and is able to do this because it is colored like butter. He takes it—and I can read to you from original circular letters of manufacturers, if I had the time, I have them here—that he takes it with the guarantee from the manufacturers

that they will see him harmless "on account of fines, costs, and expenses because of State law."

That is what they do. They defy the State laws. They stand right behind the retailer and tell him to sell the goods and they will take care of him, and he does sell the goods. The manufacturers undoubtedly make the retailer, who is going to get from 18 to 30 cents a pound for what he sells, pay rather more for the product than do the hotel, restaurant, or boarding-house keepers, because there is a larger margin of profits for him. I do not say this is so; it may not vary at all. But it is clear that from 10 to 20 cents profit per pound is divided between the manufacturer and retailer on all that he handles. It is also clear that the retailer goes forward with his business in spite of local laws. He is doing it all over the country. In this city there are 50 or 60 oleomargarine indictments which have been on the calendar over four years. There are in the State of Pennsylvania nearly a thousand indictments for the illegal sale of oleomargarine, many of which are three and four years old. It was only last year in Pennsylvania—

Mr. HOPKINS. Will the gentleman allow an interruption?

Mr. GROUT. Certainly.

Mr. HOPKINS. What is the matter with the cause of justice in that State?

Mr. GROUT. What is the matter with the cause of justice in the city of Chicago, State of Illinois, from which the gentleman comes, where the judges, made by the oleomargarine manufacturers and retailers, make oleomargarine decisions which ought to make an American blush for shame? I repeat, what is the matter in Chicago, where hundreds of retailers sell oleomargarine for butter, in defiance of law, a specimen of which I will show you in a moment from the sample packages I have here.

Mr. HOPKINS. The gentleman from Vermont does not answer my question. The people of the State of Illinois are alive on this issue; but I ask the gentleman, what is the matter with the cause of justice in the State of Pennsylvania? The gentleman from Vermont has made a very serious charge, and if there is any such delay I would like to know it.

Mr. WILLIAMS of Mississippi. May I ask the gentleman a question?

Mr. GROUT. Certainly; after saying to the gentleman from Illinois that there are just such delays not only in Illinois, Pennsylvania, and the District of Columbia, but in every State where oleomargarine is sold except New York, which appropriates \$60,000 annually for the prosecution of oleomargarine cases.

Mr. WILLIAMS of Mississippi. I understand now the gravamen of the gentleman's objection to the existing laws is that they are not executed by the State authorities?

Mr. GROUT. Precisely so, and because of the immense corruption fund growing out of the vast profits arising from the fraudulent sale of this article for butter.

Mr. WILLIAMS of Mississippi. Never mind why. Upon that I want to ask the gentleman from Vermont this question: How does he hope to remedy this evil of misfeasance and nonfeasance on the part of the State law officers by relegating this to the State legal machinery, as he does in the text of this bill?

Mr. GROUT. Mr. Speaker, I will tell the gentleman how. That is the very question I wanted the gentleman to ask, only he is a little ahead of the proper place in my argument. I answer, by putting a 10-cent tax, just as the second section of this bill provides, upon all oleomargarine colored to imitate butter, and by so much cut down the enormous profits now realized, and thus take away the inducement to work it off as butter. Ten cents added to the cost of production will carry it up into the neighborhood of the cost of producing butter, and then you have not this great margin of profit, amounting to millions of dollars annually—\$14,000,000 or \$15,000,000 last year—constantly tempting to a violation of the law. That is how I would remedy this evil.

Mr. WILLIAMS of Mississippi. But the gentleman does not answer my question.

Mr. GROUT. If the gentleman from Mississippi will excuse me, I thought I had answered it; but if I have not made myself understood by the gentleman, I will try to.

I said the 10-cent tax would cut down the profits and remove the temptation to sell oleo for butter. Is there any doubt about this? Let us figure it out right here. The article costs something less than 7 cents per pound to manufacture; call it 7; add present tax, 2 cents, it makes 9. It is sold to the consumer for butter at from 15 to 30 cents per pound; call the average 22 cents. This leaves an average profit of 13 cents per pound, which on last year's product would amount to \$14,560,000. Now, if instead of 2 cents tax added to 7 cents, cost of production, 10 cents tax be added, it would make the article cost 17 cents per pound, leaving 5 cents for profit for the manufacturer and retailer, making a total profit on last year's production of \$5,200,000 only.

Now, who believes that these oleo folks would put forth the same effort and go to the same lengths to fraudulently market

104,000,000 pounds of oleomargarine for \$5,200,000 profit that they would if they got the old profit, \$14,560,000. The Lord's Prayer says: "Lead us not into temptation." But the way the law now stands there are \$14,560,000 as a standing annual temptation to fraudulently sell oleomargarine for butter. And is it any wonder that the manufacturer of this fraudulent product guarantees the man who sells, against fines, costs, and expenses on account of State laws? Is it any wonder that with \$14,560,000 in hand prosecutions for violations of the local laws are held up? Who doubts that this vast fund, the very harvest of fraud, would be used without scruple to clear the field for the sale of oleomargarine? And who fails to see that when the profits are taken away, as they will be by this 10-cent tax, there is no inducement left, or if any, very little indeed, for the retailer to make himself a criminal under State law in the sale of oleo for butter? The manufacturer no longer has such profits that he feels like guaranteeing against State laws, and the retailer lets the stuff alone. The moment the business ceases to be profitable it ceases altogether. This 10-cent tax takes away the profit, and that is how it will stop the fraud. It deals with the question fundamentally. It lays the ax at the very root of the fraud by cutting away the profits.

Another way of putting it is this: The 10-cent tax is only on the right to color the product in imitation of butter, and the fraud is practiced by means of the color. It is therefore only a tax on the fraud. This tax is believed to be large enough to stop the coloring by making the sale of the colored article unprofitable and thereby stop the fraud.

Now, Mr. Speaker, let me ask gentlemen to unfold the packages I will have passed around and see what they can find about them that indicates that they are oleomargarine.

Mr. MERCER. Will the gentleman from Vermont answer a question?

Mr. GROUT. Certainly.

Mr. MERCER. A few moments ago the gentleman referred to a large corruption fund that had been created by the manufacturers of oleomargarine. Do I understand the gentleman to be quoting from the Salem, Ill., speech? [Laughter.]

Mr. GROUT. No, sir; the Salem, Ill., speech, having been made by a distinguished Nebraskan, will, of course, be carefully studied by all Nebraskans, and I expect the gentleman from Nebraska can repeat the whole speech. Now, let me ask, gentlemen of the House, What do you find indicating that these packages contain oleomargarine? Not a thing, of course. Now, look at me, will you, every member? On top of this package you will find a little flap. Unfold it and you will find the word "oleomargarine" printed in accordance with the law of the United States, but carefully concealed from view. It is stamped, but it is deftly folded away so that no one would mistrust that it was there, and the chances are that not one in one hundred would ever unfold that little flap and discover it. This is a fair sample of the whole business. These packages were bought of a house in Chicago, Ill., which State is represented in part by my amiable friend the gentleman from Aurora. The grocer from whom these were obtained professes to sell nothing but butter—advertises nothing for sale but butter. These were bought for butter; and you will find on the back of the wrapper the name of the man who bought each package and the price he paid.

Mr. HOPKINS. Does the gentleman pretend to say that in my Congressional district there are any of these industries devoted to the manufacture of oleomargarine?

Mr. GROUT. No, sir; not at all.

Mr. HOPKINS. Does not the gentleman know that I represent one of the best dairy districts in America?

Mr. GROUT. Yes; that is true. Neither the gentleman nor his constituents deal in oleomargarine. They do not believe in it. They make butter. But I thought the sale of these packages by a grocery man in a city of his own State in defiance of both United States and State law might give the gentleman a glimpse of the devious methods resorted to to sell the stuff for butter. I also thought that these fraudulent sales to these 20 different men of these 20 packages of oleomargarine, when butter was called for and the price of butter paid, would give the gentleman and the House some idea of the difficulty of stopping these sales till the profits were so reduced as to take away the inducement. Impose this 10-cent tax and you will stop the profits, and at the same time stop this fraudulent business. You will at the same time relieve the whole American people of an imposition at once unsavory and unscrupulous, and the struggling, hard-working butter makers of the country of a competition both dishonest and damaging. At the same time, if it be true that people really prefer oleomargarine, but want it colored to resemble butter, they can have it at no greater cost than now and still pay this tax.

Mr. FLEMING. Will the gentleman permit a question?

Mr. GROUT. Yes, sir.

Mr. FLEMING. Will the gentleman consent to an amendment to this bill placing an equal tax of 10 cents a pound upon all butter that is artificially colored?

Mr. GROUT. No.

Mr. FLEMING. Why?

Mr. GROUT. I have already fully explained the reason. I can not stop to explain it again. In a word, it is because yellow is the proper color of butter.

Mr. FLEMING. Then why put an artificial coloring substance into the butter? Will the gentleman answer that question?

Mr. GROUT. There is no object, except to meet varying tastes. Some people want a high color, others do not. There is no fraud in this. The butter always tells its own story. The color in butter is always a small consideration, bearing on its value.

Mr. FLEMING. Why color it at all?

Mr. GROUT. I have said that I prefer butter without artificial coloring matter; but others want it colored, and if they do there can be no objection.

Mr. FLEMING. If you put a tax on artificially-colored butter the same as on oleomargarine—

Mr. GROUT. Will the gentleman allow me to complete my answer? I do not yield further at present. As I have said, the natural color of butter is yellow. It has been that color ever since Jael, the wife of Heber, the Kenite, "brought forth butter in a lordly dish." If it is varied a little by artificial coloring no one is deceived. The coloring matter is put in simply to meet different tastes. The butter itself tells its own story. The color, as I have said, does not enter into the element of value of the butter except to a very small per cent, five points, I believe, in a hundred. If butter is bad, it tells you of it. If it is rancid, you can not help but know it. If it is off-flavor, that is perfectly plain. If the residuum of the barn gets into it, you have full notice; it condemns itself; no one need be deceived. And if it is colored a little more than the natural product of the cow, to meet the taste of some particular class of customers, there is still no fraud practiced. But in regard to oleomargarine, the color of butter is given it so that the article may wear the garb of butter, for the express purpose of being sold as butter.

Mr. COWHERD. Will the gentleman yield for a question?

Mr. GROUT. I am taking too much time, and I must decline to yield further. I hope the gentleman will excuse me and ask his question of some other speaker. Let me explain one other feature of the bill. I said a moment since that if people really want oleomargarine and want it colored, really prefer it to butter, as the oleo folks claim, they could pay the 10-cent tax and have the article in an honest, straightforward manner as oleomargarine, without paying for it any more than they are now paying. But they do not want it. The oleo folks' claim that they do is a "whopper." There is not a word of truth in it. It is one of the falsehoods of this false business. For such, however, as really want oleomargarine, as feel that they can not afford butter, but want a cheaper grease for their bread, the bill reduces the present tax of 2 cents a pound to a quarter of 1 cent per pound on all that is not colored in imitation of butter, thus favoring its production at the lowest possible cost. It will then cost the consumer less than one-half what it does now. It will not cost the manufacturer, tax and all, over 7 cents per pound, and can be carried to the consumer with a good profit at 10 cents per pound, precisely the same thing, with all its nutritive properties except color alone, which feeds only the eye. I repeat this can be done at less than one-half what it costs him now. But I deny that it is as wholesome as butter. I wish I had time to fully develop this point. I say this article is not altogether wholesome.

It may suit the stomach of the average workingman, but it is true that it is not assimilated by the delicate, and is a burden with most people of sedentary habits.

The very fact that it contains either stearin or paraffin to make the soft oils used in its manufacture, especially cotton-seed oil, stand up and look and act like butter proves conclusively its difficulty of digestion.

Paraffin is a by-product of coal oil, and used to protect from weather bronze and marble, and is quite as indigestible as either. Joseph G. Geisher, State chemist of New York, found 10 per cent of paraffin in several samples of oleomargarine seized in Brooklyn in July, 1899—6 pounds of paraffin in each of several 60-pound tubs of oleo.

Stearin is the hard tallow from which candles are made, and, as is well known, candles are so hard that one can be shot through an inch board.

Oleomargarine, made as it is out of soft fats and oils, must contain one or the other of these hard, stiffening substances to make it stand up and behave itself like butter, and solidity and firmness in warm weather are among the boasted excellences of the product. There was never a pound of oleomargarine made that did not of necessity contain one or the other of these hard, indigestible substances; and who will claim that this stuff is as healthful as butter? The strong, copper-fastened stomach may handle it with impunity, but what of the weak and the delicate, on whom this vile counterfeit is foisted every day?

The oleo folks talk much about the pure ingredients out of which

it is made. They do not tell you that the oil extracted from the garbage of our great cities goes to the oleo factories. But according to Street-Cleaning Commissioner Iglehart, of Baltimore, it does. (See Baltimore American of August 17, 1900.) They do not tell you that horse fat is especially adapted to making oleomargarine, and that in an article on the horse in Frank Leslie's Monthly, July, 1894, this fact is stated as showing the uses to which the horse is put. They do not tell you that renderers' grease from the rendering establishments in our great cities, which gather up all the dead animals, from whatever cause, goes to the oleo factories. But this fact is shown by proof in court in a legal proceeding in the city of New York in 1884 to suppress the nuisance at Hunters Point, which consisted of a boiling and rendering establishment; and though this was some time ago, no one will claim that the habits and morals of the oleo tribe have improved with time.

Now, I do not say that the fat from the horse that died of the glanders or the dog that died of rabies may not be made chemically pure by the process through which they put it. But who wants this grease for butter? The oleo folks say many good people prefer it to butter if it can only be colored to look like butter. But there is a growing belief that the word of the oleo folks can not always be taken for truth. In short, no one believes this.

But enough; I must leave this and other phases of the subject to be elaborated by those who follow. I have already taken more time than I intended. I have explained the provisions of the bill and indicated what I believe the effect of it will be if it becomes a law. I believe the 10-cent tax will stop the manufacture of colored oleomargarine by making the article cost so much that the profits will not induce men to undertake its sale for butter. I believe at the same time that the greatly reduced tax on the uncolored article, and the very low price at which it can be furnished, will result in a considerable output in that form, which will be used by working men, chiefly those engaged in mining and lumbering. I believe, in short, that this tax provision in the second section will compel oleomargarine to go upon the market for just what it is, which is all that the friends of honest butter are contending for. This done, the days of colored oleomargarine are numbered. Most of the 38 oleomargarine factories now running will make room for 1,000,000 additional cows, and the butter maker, whose business now suffers from this competition, will feel the relief as from a nightmare and will rejoice that he is at last permitted to reap the fruit of honest toil; that he is no longer compelled to compete with a fraudulent product. And the whole American people will be thankful that they are relieved at last from this oily monster, which now lurks for entrance into every household and for a place at every table.

Mr. GRIGGS. I would like to ask the gentleman from Vermont a question before he takes his seat.

Mr. GROUT. I will yield to the gentleman.

Mr. GRIGGS. I would like to know if the gentleman would support or accept an amendment to his bill requiring the dairies which color their butter to stamp the same as colored?

Mr. GROUT. Oh, Mr. Speaker, that question will answer itself. I covered that point substantially in what I said about coloring butter, and I must not take more time in discussing it. I will, however, print with my remarks extracts from a speech which I delivered in the House in 1886, at the time the oleomargarine law now on the statute book was enacted. What was true of this fraud then is true of it now. I reserve the remainder of my time.

OLEOMARGARINE.

[Extracts from remarks of William W. Grout, of Vermont, in the House of Representatives.]

Tuesday, May 25, 1886.

An ancient writer of high repute said: "God hath made man upright; but they have sought out many inventions." Oleomargarine is one of them. It must have been the very one that crowded in ahead of all others upon Solomon's sorrowing vision as he bewailed the departure of man from the "upright." In all the crookedness of man, in both ancient and modern times, the manufacture and sale of oleomargarine must stand first among his false and deceptive works. It is in the first place a counterfeit. It is studiously made to resemble in all respects butter. And the resemblance is so close that only the microscope or a chemical analysis will detect the difference; and some assert that neither the microscope nor chemistry can tell the one from the other.

But this last is one of the falsehoods of this false business, to which is always added, "If science can not tell the difference, then what is the difference? Why is it not as good as butter?" But I repeat, this should be branded as a falsehood. Certainly Professor Taylor's microscope reveals even to the unpracticed eye an unmistakable difference, much like the difference between the green leaf of spring and the dead leaf of autumn. To this many gentlemen on this floor can testify. But it is a counterfeit, a confessed counterfeit, better calculated to deceive than the most skillful counterfeit of the current coin or paper money of the United States. Like the pirate, who displays a friendly flag, it sails under false colors; and like the pirate and the counterfeit it takes from others without giving an equivalent in return. It is manufactured for 8 or 9 cents per pound and sold to the consumer for 20 or 30 cents per pound; not for what it is, but for pure butter; just as the counterfeit dollar is passed, not for what it is, but for what it appears to be.

But it is said that the manufacturer sells to the dealer for just what it is. In most instances very likely. So does the maker of counterfeit money supply the one who puts it into circulation for just what it is; but never at a fair profit only on what it cost him to make it. He would want at least about one-

half the whole fruit of the fraud; just as he who steals a horse would be willing to pass it to the receiver at perhaps half its value, who in turn would have a margin left for his share. So it is with this oleomargarine trade. Between the first cost and the price paid by the consumer enormous profits cluster along the way. If these profits were legitimate, no fault could be found; but they are won by fraud. They are made by selling oleomargarine for butter. Not one pound in a million of this counterfeit stuff is bought and eaten by the consumer for what it is. Like the counterfeiter's victim, who "took it for a dollar," one always buys butter, but in blissful ignorance he too often eats oleomargarine. The only way one can be certain is to establish a chemist's laboratory in his kitchen and plant a microscope by his plate.

If oleomargarine be the poor man's blessing, as is claimed, it should be secured to him at the poor man's price. But this will never be till compelled, as proposed by this bill, to go upon the market in no guise but its own and under no name but its own. As oleomargarine it will pay the tax proposed by this bill, and then reach the poor man's table at much less cost than it now does; if, indeed, it be fit to eat, of which a word in a moment. But it now sells for the price of butter, from 20 to 30 cents per pound, and leaves the poor man without the blessing which it falsely promises him. It thus gathers in \$15,000,000 ill-gotten gains annually, the very harvest of fraud itself, and at the same time strikes a staggering blow upon an honest industry in which millions of the working men and women of this country now gain only a hard-earned livelihood.

Now this is oleomargarine, an acknowledged counterfeit, but deceitfully passed for the true; entrenched behind the millions it has filched from the people in the name of butter; false to its promises to the poor; the disturber of our industries; the very embodiment of falsehood and fraud. And yet this false-faced monster sits with us familiarly at table in the dress of an old friend, and makes his oily way into the very citadel of man's affections. Then if in the silent watches of the night the stomach becomes suspicious that it may be "entertaining an angel unawares," and yearns for information as to the character of this nocturnal visitor, which the friends of oleomargarine tell us comes as an angel laden with blessings for the race, it is respectfully referred to the Patent Office reports. [Laughter.]

Volume 5 is taken down and opened to page 329, and the poor benighted stomach asks if the angel was made under patent No. 148767, which is as follows: "This substitute for butter" "consists of a base of yolk of eggs, butter, and milk, agitated in a zinc vessel that has been coated with a solution of nitric acid." But hearing no response, it takes down volume 22 and opens to page 1489, and reads in patent No. 266777 this formula for making a "substitute for butter," "consisting of cotton-seed oil or other vegetable oils treated with a solution of caustic soda in combination with farinaceous flour, which had previously been thoroughly cooked in salt water, as described; incorporating and agitating the mass, working in the oil, milk, coloring, and flavoring as per process described." But still there is no response.

There can be no certainty of the parentage of the child in this patent; and lest the wondering stomach may find some worse formula for the manufacture of angels, it takes down volume 28 and looks hopefully for the pedigree of its particular guest in patent No. 301782, found on page 173:

"The process consists in first forming a soap emulsion of the fats or fatty oils with caustic soda; then precipitate the lyes; then applying chlorinated alkaline lye, or chlorinated gas, to the soap emulsion, as described."

But this formula is found to be so full of lyes (lies) and sounds so much like a receipt for making soap that the bewildered stomach abandons the inquiry, declaring in tones of astonishment that oleomargarine is, indeed, the mystery of mysteries—a far profounder mystery than hash or sausage. [Laughter.]

Let not this sad tale of a child without a father divert attention from the fact—let it rather fix the mind upon it—that so long as bastard butter is sold for the genuine no purchaser can be sure but that he is eating it, nor can he be sure either of what ingredients it may be composed. It presents the well-known condition of every illegitimate birth, namely, an uncertain paternity; and as a doubtful place in the pedigree may let in bad blood, so uncertainty as to the ingredients of counterfeit butter admits the possibility that they may be unclean and unwholesome. Who can look with entire composure upon this possibility? Who will say that the things we eat ought not, like Cæsar's wife, to be above suspicion?

It will not be pretended but that a substitute for butter made according to the formula of M. Mège, the French inventor, is a wholesome food product. But this can not be said of all the American devices in which lard and vegetable oils and tallow take the place of margarine oil and in which various acids and alkalis are used, some of which, as everyone knows, are not only unwholesome but absolutely dangerous. The following are a few of the many articles named in the many patents granted for the manufacture of substitute butter: Bisulphate of lime, borax, salicylic acid, benzoic acid, orris root, cotton-seed oil, bicarbonate of soda, glycerin, caprylic acid, alum, capsic acid, sulphate of soda, cows' udders, sulphuric acid, pepsin, tallow, lard, salt, cornstarch, butyric ether, caustic potash, castor oil, chalk, slippery elm bark, caul, oil of sesame, oil of sunflower seed, olive oil, turnip-seed oil, broma chloralum, chlorate of potash, oil of sweet almonds, oil of peanuts, peroxide of manganese, stomach of pigs, sheep, or calf, nitrate of soda, mustard-seed oil, nitric acid, dry blood, albumen, sugar, butyric acid, bicarbonate of potash, and caustic soda.

One of the great packing establishments in Chicago has of the Elgin creameries the buttermilk in which to baptize, in the name of butter, probably a thousand tons a year of this counterfeit product; and pay for it—if the statement of their agent now in charge of their goods in the Central Market in this city can be relied upon, for he made the statement to me—\$100 per day. Now, this is almost equal to the wag's formula for making a first-class article of chicken soup for boarding-house consumption, namely, drive a hen through a dish of hot water. O tempora! O mores! [Laughter.]

But enough about the character of counterfeit butter. It may be that the cheap grease known in the market as "neutral grease," when subjected to treatment by the alkalis and acids named in the various imitation-butter formulas, is not absolutely unwholesome, for chemistry works wonders in the transformation of physical substances. I say this may be; but suppose it is, who wants to eat it? That this "neutral grease" is to a great extent used in the manufacture of these imitation products no reasonable person will doubt. The different formulas themselves prove it by the chemical agents which they contain for the manifest purpose of deodorizing and correcting it. Besides, as everyone knows, it is a counterfeit and a fraud; and who is verdant enough to suppose that the counterfeiter would be at all scrupulous as to the materials he used in his business? The object is to make the counterfeit article at the least possible expense for the sake of the greatest possible profit. And if "neutral grease" can be obtained at one-fourth or one-third the expense of tallow or lard, who for a moment doubts which the counterfeiter would use?

But this stuff, even if not absolutely unwholesome, is not fit for a self-respecting American citizen to eat. It might answer for a Digger Indian, who lives on snakes, or for the Mexican peon, who in his poverty consumes with avidity every organic part of the animal, excepting only the horns, hoofs, hair, and bones. It might answer for these, but it does not comport with our American civilization. It is no credit to it. It has no proper place in it, and it could not exist for a moment except through fraud and imposition. The American people can be in better business. With "cattle upon a

thousand hills," and many, many thousand hills scattered all over our vast domain, where now grows wild grass or stands "the forest primeval," but where hardy husbandmen might graze and milk their herds of kine, and thrifty housewives might emulate the virtue and valor of Jael, the wife of Heber the Kenite, who "brought forth butter in a lordly dish," does it not seem like small business, like the disreputable business it is, for an able-bodied American citizen to be trying to find out how chemistry can extract from "cow's udders" the oil that shall give to tallow and lard and the intestinal and offal fats and "neutral grease" and the vegetable oils the taste of butter, thereby enabling the unscrupulous to sell them, after they are washed in buttermilk, for butter, and thus put these cheap and nasty fats in competition with the golden issues of the housewife's churn?

And this brings me to the chief reason for the passage of this bill, namely, the ruinous effect of this dishonest competition upon the great, in fact the greatest, industry of this country—an industry which, while it gives employment to millions of capital and millions of men and women, is yet made up from an aggregation of humble interests which, when treated fairly, only afford very small profits in return for much hard work.

Dairying is the largest single branch of American agriculture. The butter, milk, and cheese produced for the last year, as estimated by reliable experts, amounted to the enormous sum of \$54,959,500. This is more than four times the value of the entire oat crop of the country; more than five times the value of the pig-iron product; more than twice the value of the iron and steel product; about four and one-half times the value of the cotton crop; and about \$150,000,000 more than the entire wheat crop of the country. The amount invested in milch cows is about \$700,000,000—more than the entire capital stock of all the national banks of the country.

Not only is dairying the great leading branch of our agriculture, but it is so related to every other branch of that great industry that when it suffers the whole feels the depressing effect. Especially is this true in our older States, where the soil, well-nigh exhausted by long-continued cropping, is arrested from further deterioration and brought back to a high degree of fertility by dairy farming, and thus worn-out lands are restored and more of every kind of agricultural product is produced, more forage for animals and more food for man. It is estimated that in dairying at least four millions of our population are employed, while agriculture in all its branches gives employment to almost one-half of our entire population, who therefrom feed and clothe themselves and feed and clothe the other half.

Without agriculture we should go both hungry and cold. We should relapse into barbarism, should go back to the skins of beasts for clothing and hunt again the wild boar for food. A thrifty agriculture makes every other work of civilization possible. Without it the earth, the source of all wealth, would fail to yield her fruits and every other enterprise and industry would languish. We have already seen that the dairy interest is the very soul itself of our agriculture. Now, shall this interest be preserved, or shall it be sacrificed, not to a fair competition—if the competition were fair no fault would be found—but to a downright fraud, to a filthy counterfeit, masquerading in the stolen livery of the very industry it is seeking to overthrow? [Applause.]

Even if the competition were fair it would still present a serious question of public policy; one not only involving public health, but the public intelligence and morals also, namely, whether we should kill out the dairy industry and cease to be a butter-eating people and feed upon the coarser and more cloying animal fats, thus taking a step back toward the raw tallow and lard which were the delight of our Saxon ancestors in the forests of Germany. It involves also another question which takes strong hold upon the labor problem, which has long vexed the governments of Europe, and now threatens the peace and prosperity of this Republic. It is this: Whether a few capitalists giving employment to a few thousand men shall be allowed to overwhelm with a fraudulent business an honest industry which gives employment to millions, and which is the very cream of that grand pursuit which, through the common mother of the race, provides for us all.

You have just passed a labor arbitration bill and sent out a special committee to collect data for the adjustment of the delicate relations between capital and labor. But right here, in the disposition of this bill, is an opportunity to deal with the labor question from the very foundation, and in a way to dispense with arbitration bills and special committees, or make them a standing necessity. It has been said that "an ounce of prevention is better than a pound of cure." Enactments preventive of threatening evils are always wiser than the wisest provisions for the correction of those evils after they are developed. It is always the highest achievement of legislation to formulate laws which in their practical operation shall reconcile antagonisms and bring all interests into harmony. This can only be done by giving all men and all honest enterprises a fair chance.

Now, pass this bill and you take an important step in both remedial and preventive legislation. You at once relieve the dairy industry of the killing fraud which now completely paralyzes it. And as one of the immediate results the milch cows, which as shown by the last report of the Commissioner of Agriculture were depreciated during the last year to the amount of \$32,751,332, will be restored and doubtless somewhat advanced. This vast sum will thus be added to the exchangeable value of property not belonging to capitalists but to the millions of hard-working men who own those cows and are struggling to pay with the income from them the mortgages which capital holds upon their farms.

Not only this, but the number of cows will be greatly increased. There will not be slaughtered 30,000 of them for beef in the city of Chicago for the year to come, as your committee reported there was in the year that is past. They will be wanted for the dairy. To this extent, certainly, there will be an increased demand upon those who breed cattle for beef; and that branch of agriculture, now sadly discouraged, will take a fresh start. More hay and grain must be provided for the support of this increased number of animals, both for beef and the dairy, and more men found to feed and care for them. A corresponding demand for labor on the farm will surely follow and will draw off from the employ of the great corporations, to which all surplus labor tends, the discontented ones who are now the leaders in labor disturbances, but who would find in the great open field of agriculture, every department of which would feel the impulse of a restored dairy industry, an opportunity to gain for themselves and their families a subsistence; nay, more, a competence; and this is how the passage of this bill would begin to solve the labor problem. It would begin at the right end of it. [Applause.]

It would be more to the point than arbitration bills and investigating committees. A restored dairy industry would surely occupy, with valuable improvements, new areas of land and assuredly restore to fertility the old, much of which now lies fallow, thus adding millions to the productive and taxable wealth of the country. Nor is this all. A return to the production of honest butter would restore our export trade. For the last five years, since false butter has usurped the place of the true, there has been a steady decline in the annual export of American butter. That which was bought and shipped for genuine too often turned out to be spurious. As a result, no dealer would risk the sale of American dairy products in foreign markets, and the trade fell off.

The extent of this decline is shown by the fact that in 1881 the total amount of American dairy exports was \$22,636,272. In 1885 it was but \$14,086,055, a decrease in four years of \$8,548,220. Instead of this there should have been an equal or greater increase. There is still another humiliating fact in this

connection. It is this: Much of the butter which we exported in 1885 was not handled by American merchants, but by Canadian merchants, who first bought in our markets and shipped to Canada. Then, when reshipped from Canadian ports, it would go upon the European markets as Canadian butter, which is not yet under suspicion like our own, for there the manufacture of oleomargarine is absolutely prohibited. But let this same butter, perhaps perfectly pure, be shipped from an American port or by an American merchant, and it could be sold only at a reduced price.

Thus, because of these fraudulent imitations, is the commerce of this the foremost people in all the earth driven like a culprit to the use of an alias in order to make its way into foreign markets; thus also are American merchants deprived of the profits of handling this merchandise in those markets; thus is an annual outlet for nearly \$9,000,000 worth of dairy products closed and the business to that extent depressed; and thus as a people are we that amount poorer than we should be if that trade were not interrupted. We have that amount less annually of circulating medium, that amount less of gold and silver; for remember that our foreign exchange is always in gold and silver. Now, pass this bill and give to American dairy products a reputable entrance into foreign markets, and you will bring into the United States within the next ten years of foreign gold \$85,000,000 at least, and probably more. * * *

Pass this bill and you correct all the evils arising from counterfeit butter and put not only the dairy industry but the whole vast industry of agriculture upon a career of prosperity; and in its train shall follow all the other industries and the arts and the best culture of a progressive civilization. Refuse it, and you perpetuate all the evils above enumerated and engender others which in turn shall "become the hatch and brood of time." You deliberately protect a fraud which is sapping the very foundations of the farmer's success and crippling his every effort to get on in the world. You help capital, which holds the mortgage on his farm and owns also the oleomargarine factory, to destroy the butter market and thus deprive him of his last opportunity to keep down the interest on that mortgage, and then take from him the farm itself and turn him into the street a vagabond and a tramp; and when next you hear from him he is in the front rank of some labor agitation. Then, to tide over the troubles produced by your unwise legislation, a Congressional investigating committee will be in order.

By refusing this bill you continue a policy calculated to destroy the hope of the husbandman and drive not a few only but thousands from agriculture into other departments of labor already overcrowded. Can you afford to do this? Can you afford to break down and disperse into other pursuits the hardy tillers of the soil, thus lessening the number of producers and increasing the number of consumers? A sound public policy lies in just the opposite direction—in developing and fostering every department of our agriculture, whereby enough may be gathered of the products of the earth to feed and clothe and preserve from distress and agitation all other departments of industry, and at the same time contribute in the most effectual manner possible to the national wealth. But enough. The general wisdom of this bill will not be disputed. Its justice to the farmer must be admitted. The salutary effect it will have upon our industries is apparent. The general demand of the American people for wholesome articles of food calls for it.

The absolute power over commerce between the States given by the Constitution to the National Government is one of the principal badges of the national sovereignty. It is an important, far-reaching power, and should be duly magnified. The future will bring it into exercise more than the past has done. The rapidly increasing commerce between the States will require from Congress constant supervision, and new rules will be required as new emergencies arise. In interstate commerce, which will increase with our increasing numbers and better facilities for intercommunication, shall be found the strongest future bond of union between these States. A free and fair interchange of commodities between the remote sections of the country will to our political and social relations add the ties of trade, than which between peoples and States none are stronger; and thus, in a vast domestic commerce, so regulated by Congress as to be mutually beneficial to all sections and all industries, shall be heard—

"In the rushing wheels
"Of trade's tumultuous jar"—

the richest music of the Union.

Down the future, as our population becomes denser and our commercial rivalries sharper and our accumulated wealth greater, who can tell how this controlling authority of the National Government may be used to allay those rivalries, to check the greed of monopolies, to protect one State against the fraudulent products of another, and bring all departments of our domestic commerce, which is but the sum of our domestic industries, into such relations with each other as that each part shall contribute to the vigor of every other part, and thus create a harmonious system in which labor shall find employment, capital shall have its own, and every honest industry a fair chance? Now, this will be the problem for the future statesmen of this country to solve. This problem is, in fact, crowding upon us to-day. We have seen how this measure before us reaches out into all these questions. We have also seen that Congress has a double power over the subject. Let us, then, rise to the occasion and pass this bill. [Applause.]

Saturday, May 29, 1886.

Mr. Chairman, I rise to a question of privilege—the privilege of not being classed with any set of men whose convictions are at all "mixed" upon the question now under consideration; the privilege, to be more specific, of not going into the RECORD in this debate as from the State of Pennsylvania, as yesterday's issue, on page 5254, in giving remarks of the gentleman from Illinois [Mr. HITT], puts me. Ordinarily, sir, I might not object to being credited to the grand old State of Pennsylvania—the State of "brotherly love," the nobility and hospitality of whose people are proverbial; but I can not permit it in this connection, for the reason that her Representatives on this floor are somewhat "mixed" on this question of oleomargarine, some of them showing a strange disposition to pay their devotions at the shrine of this myriad monster, this mixed mystery of the modern magician. Hence, I ask that the RECORD at the point I have indicated may be corrected and that I may be credited where I belong.

Mr. KELLEY. Pennsylvania makes no objection. [Laughter.]

Mr. GROUT. I thank you, sir. Mr. Chairman, only for the kind consent of the distinguished gentleman it might have been difficult.

Mr. BAYNE. My friend will allow me to suggest that when the vote shall be taken on this bill it will be found that the Representatives of Pennsylvania are not very much "mixed."

Mr. GROUT. Very likely; but I want to be credited where I belong, since Judge Kelley is willing I should be; and that is to the little but constant State of Vermont, whose people neither make nor eat oleomargarine, but do make 25,000,000 pounds of butter annually, with which you may butter your bread and not feel under the knife blade as you do it the wiggling kick of a million animalcules. [Laughter.]

But, since the gentleman from Pennsylvania, my friend Colonel Bayne, speaks hopefully of the Pennsylvania delegation, let me ask that this correction be made without prejudice to him and without prejudice also to all others of that delegation who prefer butter to oleomargarine. [Applause.]

The SPEAKER. The gentleman has thirty-two minutes remaining.

Mr. LORIMER. Mr. Speaker, the Grout bill and the substitute recommended by the minority of the Committee on Agriculture are practically amendments to the oleomargarine act which became a law on the 2d day of August, 1886. That law then enacted provides for a tax on oleomargarine of 2 cents a pound; it also provides that the manufacturers shall pay an annual license of \$600. Wholesale dealers shall pay a license of \$480, and retail dealers a license of \$48 annually. I submit as part of my remarks a copy of H. R. 3717, known as the Grout bill, the substitute recommended by the minority of the committee and their report.

A bill (H. R. 3717) to make oleomargarine and other imitation dairy products subject to the laws of the State or Territory into which they are transported, and to change the tax on oleomargarine.

Be it enacted, etc., That all articles known as oleomargarine, butterine, imitation butter, or imitation cheese, or any substance in the semblance of butter or cheese not the usual product of the dairy and not made exclusively of pure and unadulterated milk or cream, transported into any State or Territory, and remaining therein for use, consumption, sale, or storage therein, shall, upon the arrival within the limits of such State or Territory, be subject to the operation and effect of the laws of such State or Territory enacted into the exercise of its police powers to the same extent and in the same manner as though such articles or substances had been produced in such State or Territory, and shall not be exempt therefrom by reason of being introduced therein in original packages or otherwise: *Provided*, That nothing in this act shall be construed to permit any State to forbid the manufacture or sale of oleomargarine in a separate and distinct form and in such manner as will advise the consumer of its real character free from coloration or ingredient that causes it to look like butter.

SEC. 2. That after the passage of this act the tax upon oleomargarine as prescribed in section 8 of the act approved August 2, 1886, and entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," shall be one-fourth of 1 cent per pound when the same is not colored in imitation of butter; but when colored in imitation of butter the tax to be paid by the manufacturer shall be 10 cents per pound, to be levied and collected in accordance with the provisions of said act.

SUBSTITUTE FOR H. R. 3717.

A bill to amend sections 3 and 6 of an act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approve August 2, 1886, and also to define manufacturers and dealers and to provide for the payment of special taxes by them.

Be it enacted, etc., That sections 3 and 6 of an act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, be amended so as to read as follows:

"SECTION 1. That special tax on the manufacture and sale of oleomargarine shall be imposed as follows: Manufacturers of oleomargarine shall pay \$600 per annum. Every person who manufactures oleomargarine for sale shall be deemed a manufacturer thereof.

"Wholesale dealers in oleomargarine shall pay \$480 per annum. Every person who sells or offers for sale oleomargarine in quantities greater than 10 pounds at a time shall be deemed a wholesale dealer therein; but a manufacturer of oleomargarine who has given the required bond and paid the required special tax, and who sells oleomargarine of his own production only at the place of its manufacture in the original packages to which the tax-paid stamps are affixed, shall not be required to pay the special tax of a wholesale dealer on account of such sales.

"Retail dealers in oleomargarine shall pay \$48 per annum. Every person who sells or offers for sale oleomargarine in quantities not greater than 10 pounds at a time shall be regarded as a retail dealer therein.

"SEC. 2. That all oleomargarine shall be put up by the manufacturer for sale in packages of 1 and 2 pounds, respectively, and in no other or larger or smaller package; and upon every print, brick, roll, or lump of oleomargarine, before being so put up for sale or removal from the factory, there shall be impressed by the manufacturer the word 'oleomargarine' in sunken letters, the size of which shall be prescribed by regulations made by the Commissioner of Internal Revenue and approved by the Secretary of the Treasury; that every such print, brick, roll, or lump of oleomargarine shall first be wrapped with paper wrapper with the word 'oleomargarine' printed thereon in distinct letters, and said wrapper shall also bear the name of the manufacturer, and shall then be put by the manufacturer thereof in such wooden or paper packages or in such wrappers and marked, stamped, and branded with the word 'oleomargarine' printed thereon in distinct letters, and in such manner as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe, and the internal-revenue stamp shall be affixed so as to surround the outer wrapper of each 1 and 2 pound package: *Provided*, That any number of such original stamped packages may be put up by the manufacturer in crates or boxes, on the outside of which shall be marked the word 'oleomargarine,' with such other marks and brands as the Commissioner of Internal Revenue shall, by regulations approved by the Secretary of the Treasury, prescribe.

"Retail dealers in oleomargarine shall sell only the original package to which the tax-paid stamp is affixed.

"Every person who knowingly sells or offers for sale, or delivers or offers to deliver, any oleomargarine otherwise than as provided by this act or contrary to the regulations of the Commissioner of Internal Revenue made in pursuance hereof, or who packs in any package any oleomargarine in any manner contrary to law, or who shall sell or offer for sale, as butter, any oleomargarine, colored or uncolored, or who falsely brands any package, or affixes a stamp on any package denoting a less amount of tax than that required by law, shall be fined for the first offense not less than one hundred nor more than five hundred dollars and be imprisoned not less than thirty days nor more than six months; and for the second and every subsequent offense shall be fined not less than two hundred nor more than one thousand dollars and be imprisoned not less than sixty days nor more than two years."

VIEWS OF THE MINORITY.

The minority of the Committee on Agriculture of the House of Representatives beg leave to submit the accompanying bill, which we offer as a substitute for H. R. 3717, known as the Grout bill.

We first wish to bring to the attention of the House proof positive that oleomargarine is a wholesome and nutritious article of food, and is therefore entitled to a legitimate place in the commerce of our country. In substantiation of this statement we beg to submit the following testimony taken before the committee:

"OPINIONS OF LEADING SCIENTISTS.

"Prof. C. F. Chandler, professor of chemistry at Columbia College, New York, says: 'I have studied the question of its use as food, in comparison with the ordinary butter made from cream, and have satisfied myself that it is quite as valuable as the butter from the cow. The product is palatable and wholesome, and I regard it as a most valuable article of food.'

"Prof. George F. Barker, of the University of Pennsylvania, says: 'Butterine is, in my opinion, quite as valuable as a nutritive agent as butter itself. It is perfectly wholesome, and is desirable as an article of food. I can see no reason why butterine should not be an entirely satisfactory equivalent for ordinary butter, whether considered from the physiological or commercial standpoint.'

"Prof. Henry Morton, of the Stevens Institute of Technology, New Jersey, says: 'I am able to say with confidence that it contains nothing whatever which is injurious as an article of diet, but, on the contrary, is essentially identical with the best fresh butter, and is superior to much of the butter made from cream alone which is found in the market. The conditions of its manufacture involve a degree of cleanliness and consequent purity in the product such as are by no means necessarily or generally attained in the ordinary making of butter from cream.'

"Prof. S. W. Johnson, director of the Connecticut Agricultural Experiment Station, and professor of agricultural chemistry in Yale College, New Haven, says: 'It is a product that is entirely attractive and wholesome as food, and one that is for all ordinary and culinary purposes the full equivalent of good butter made from cream. I regard the manufacture of oleomargarine as a legitimate and beneficial industry.'

"Prof. S. C. Caldwell, of Cornell University, Ithaca, N. Y., says: 'While not equal to fine butter in respect to flavor, it nevertheless contains all the essential ingredients of butter, and since it contains a smaller proportion of volatile fats than is found in genuine butter, it is, in my opinion, less liable to become rancid. It can not enter into competition with fine butter, but so far as it may serve to drive poor butter out of the market, its manufacture will be a public benefit.'

"Prof. C. A. Goessmann, of Amherst Agricultural College, says: 'Oleomargarine butter compares in general appearance and in taste very favorably with the average quality of the better kinds of dairy butter in our markets. In its composition it resembles that of ordinary dairy butter, and in its keeping quality, under corresponding circumstances, I believe it will surpass the former, for it contains a smaller percentage of those constituents which, in the main, cause the well-known rancid taste and odor of a stored butter.'

"Prof. Charles P. Williams, professor in the Missouri State University, says: 'It is a pure and wholesome article of food, and in this respect, as well as in respect to its chemical composition, fully the equivalent of the best quality of dairy butter.'

"Prof. J. W. S. Arnold, professor of physiology in the University of New York, says: 'I consider that each and every article employed in the manufacture of oleomargarine butter is perfectly pure and wholesome; that oleomargarine butter differs in no essential manner from butter made from cream. In fact, oleomargarine butter possesses the advantage over natural butter of not decomposing so readily, as it contains fewer volatile fats. In my opinion, oleomargarine is to be considered a great discovery, a blessing for the poor, and in every way a perfectly pure, wholesome, and palatable article of food.'

"Prof. W. O. Atwater, director of the United States Government Agricultural Experiment Station at Washington, says: 'It contains essentially the same ingredients as natural butter from cow's milk. It is perfectly wholesome and healthy, and has a high nutritious value.'

"Prof. Henry E. Alvord, formerly of the Massachusetts Agricultural College and president of the Maryland College of Agriculture and now chief of the dairy division of the United States Department of Agriculture, and one of the best butter makers in the country, says: 'The great bulk of butterine and its kindred products is as wholesome, cleaner, and in many respects better, than the low grades of butter of which so much reaches the market.'

"Prof. Paul Schweitzer, Ph. D., LL. D., professor of chemistry, Missouri State University, says: 'As a result of my examination, made both with the microscope and the delicate chemical tests applicable to such cases, I pronounce butterine to be wholly and unequivocally free from any deleterious or in the least objectionable substances. Carefully made physiological experiments reveal no difference whatever in the palatability and digestibility between butterine and butter.'

Professor Wiley, chief of the Division of Chemistry of the United States Department of Agriculture, also appeared before the committee and testified to the nutritive and wholesome qualities of oleomargarine.

The Committee on Manufactures of the United States Senate, in a report dated February 28, 1900, finds, from the evidence before it, "that the product known commercially as oleomargarine is healthful and nutritious."

Judge Hughes, of the Federal court of Virginia, in a decision says:

"It is a fact of common knowledge that oleomargarine has been subjected to the severest scientific scrutiny, and has been adopted by every leading government in Europe as well as America for use by their armies and navies. Though not originally invented by us, it is a gift of American enterprise and progressive invention to the world. It has become one of the conspicuous articles of interstate commerce and furnishes a large income to the General Government annually."

Believing that this testimony establishes beyond controversy that oleomargarine is a nutritious and wholesome article of food, the main question to be considered is the complaint that fraud is practiced in its sale.

The only just complaint (indeed the only complaint) against the existing oleomargarine law consists in the facility with which the retail dealer, in selling from the original or wholesale package and substituting a new and unmarked wrapper, may violate the law. There is nothing in H. R. 3717 (known as the Grout bill) which would decrease the temptation or increase the difficulty of such violations. On the contrary, the increased taxation would either be fraudulently evaded or else would force the honest manufacturer out of business. H. R. 3717 merely increases taxation without providing any new or additional penalties or any new methods to prevent the sale of oleomargarine as butter, either in its colored or uncolored state. In fact, the radical advocates of the Grout bill do not seek this end, as they have declared in their testimony before the committee, and in declarations elsewhere, that their sole intention is to absolutely crush out the manufacture of oleomargarine and eliminate it as a food product.

In substantiation of this assertion we quote the following:

Mr. Adams, pure food commissioner of the State of Wisconsin, in his testimony before the committee on March 7, 1900, said:

"There is no use beating about the bush in this matter. We want to pass this law and drive the oleomargarine manufacturers out of the business."

Charles Y. Knight, secretary of the National Dairy Union, in a letter to the Virginia Dairymen, dated May 18, 1900, writes:

"Now is the time for you to clip the fangs of the mighty octopus of the oleomargarine manufacturers who are ruining the dairy interests of this country by manufacturing and selling in defiance of law a spurious article in imitation of pure butter. We have a remedy almost in grasp which will elimi-

nate the manufacture of this article from the food product list. The Grout bill, now pending in the Agricultural Committee of the House of Representatives in Congress, meets the demand."

W. D. Hoard, ex-governor of Wisconsin and president of the National Dairymen's Union, stated in his testimony before the committee on March 7, 1900, as follows:

"To give added force to the first section of the bill, it is provided in the second section that a tax of 10 cents a pound shall be imposed on all oleomargarine in the color or semblance of butter. In plain words, this is repressive taxation."

In view of this testimony the minority believe they are justified in claiming that the Grout bill, if enacted into law, would destroy the business of the legitimate oleomargarine manufacturers. In other words, Congress is being asked to ruin one industry to benefit another; and this, in the opinion of the minority, is a thing Congress ought not to do. The minority believe it to be class legislation of the most pronounced kind and would establish a precedent which, if followed, would create monopolies, destroy competition, and militate against the public good.

The substitute bill offered by the minority would, in our opinion, eliminate all possibility of fraud, and would compel the manufacturers of and dealers in oleomargarine to sell it for what it really is and not for butter. The substitute offered is practically an amendment to sections 3 and 6 of the existing oleomargarine law. The licenses for manufacture and sale of this article are not changed, and are as follows: Manufacturers, \$900 per annum; wholesale dealers, \$480 per annum; retailers, \$48 per annum, while the penalties imposed for violations of the law are materially increased. We quote in full section 2 of the substitute bill, and ask for it the careful and thoughtful consideration of the House, believing that it is just and fair to all the interests involved:

"SEC. 2. That all oleomargarine shall be put up by the manufacturer for sale in packages of 1 and 2 pounds, respectively, and in no other or larger or smaller package; and upon every print, brick, roll, or lump of oleomargarine, before being so put up for sale or removal from the factory, there shall be impressed by the manufacturer the word 'oleomargarine' in sunken letters, the size of which shall be prescribed by regulations made by the Commissioner of Internal Revenue and approved by the Secretary of the Treasury; that every such print, brick, roll, or lump of oleomargarine shall first be wrapped with paper wrapper with the word 'oleomargarine' printed thereon in distinct letters, and said wrapper shall also bear the name of the manufacturer, and then shall be put by the manufacturer thereof in such wooden or paper packages or in such wrappers, with the word 'oleomargarine' printed thereon in distinct letters, and marked, stamped, and branded in such manner as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe, and the internal-revenue stamp shall be affixed so as to surround the outer wrapper of each 1 and 2 pound package: *Provided*, That any number of such original stamped packages may be put up by the manufacturer in crates or boxes, on the outside of which shall be marked the word 'oleomargarine,' with such other marks and brands as the Commissioner of Internal Revenue shall, by regulations approved by the Secretary of the Treasury, prescribe.

"Retail dealers in oleomargarine shall sell only the original package to which the tax-paid stamp is affixed.

"Every person who knowingly sells or offers for sale, or delivers or offers to deliver, any oleomargarine otherwise than as provided by this act or contrary to the regulations of the Commissioner of Internal Revenue made in pursuance hereof, or who packs in any package any oleomargarine in any manner contrary to law, or who shall sell or offer for sale as butter any oleomargarine, colored or uncolored, or who falsely brands any package, or affixes a stamp on any package denoting a less amount of tax than that required by law, shall be fined for the first offense not less than one hundred nor more than five hundred dollars and be imprisoned not less than thirty days nor more than six months; and for the second and every subsequent offense shall be fined not less than two hundred nor more than one thousand dollars and be imprisoned not less than sixty days nor more than two years."

One of the claims made by the friends of the Grout bill is that it will protect the interests of the farmer. We call attention to the fact that every ingredient that enters into the manufacture of oleomargarine is as much a product of the farm as is butter, and that such ingredients are made more valuable on account of their use in the manufacture of oleomargarine.

Your committee has had before it representatives of both the cattle and hog raisers of the country, and also representatives of the cotton industry, and they are unanimous in their opinion that their business will be materially injured and the price of their product lowered by the passage of the Grout bill and the destruction of the oleomargarine industry.

The manufacture and sale of oleomargarine does not interfere with the growth and prosperity of the butter industry. Statistics show a much greater percentage in the increase of the production of butter than in the production of oleomargarine. Though similar in ingredients, they are not strictly competing, as the oleomargarine is practically all bought by the poorer class of our people.

In justification of this statement we have received a large number of petitions from the labor organizations of our country protesting against the passage of this bill for the above-given reasons.

It being possible to keep oleomargarine in a sweet and sound condition much longer than butter, it is also used extensively in the mining and lumber camps, on exploring and hunting expeditions, on ships at sea, and by armies in the field.

The claim made by the friends of the Grout bill that the manufacture and sale of oleomargarine has greatly depreciated the price of butter will not obtain when it is known that there is now manufactured in the United States nearly 2,000,000,000 pounds of butter annually, and it is positively known that there only were 83,000,000 pounds of oleomargarine manufactured last year, which shows that the amount of oleomargarine produced is about 4 per cent of the amount of butter produced. Therefore, the argument that oleomargarine in any material sense controls the price of butter is not justified by the facts.

The manufacture and sale of oleomargarine have in no way depreciated the price of butter, as more butter is being sold at higher price in this country than ever before, as shown by testimony.

It is a suggestive fact that those sections of our country which are most exclusively devoted to the dairy interests are blessed with the greatest prosperity, as brought out in the testimony of ex-Governor Hoard, of Wisconsin, before our committee, who said that a few years ago land was worth only \$15 an acre in that State, but as the State began to be devoted more exclusively to the dairy interests land had rapidly appreciated in price, and that farmers had gotten out of debt, had paid their mortgages, and the land is now worth the sum of \$80 per acre, this price averaging much higher than agricultural lands in other parts of the country.

In conclusion, the members of the Committee on Agriculture who have joined in this minority report beg to assure the House and the country in the most solemn manner possible that it has been their earnest intention, and is now their determination, to do everything possible to be done to enforce the

sale of oleomargarine as oleomargarine and to prevent its sale as butter. To prevent fraud and not to stamp out an industry has been and is our purpose. We believe that it ought to be the sole purpose of all legislation and the sole motive of all just men.

J. W. WADSWORTH.
WM. LORIMER.
W. J. BAILEY.
G. H. WHITE.
JOHN S. WILLIAMS.
J. WM. STOKES.
H. D. ALLEN.

Mr. Speaker, there is nothing in the substitute presented by the minority that in any way alters or changes the per-pound tax or license fee on manufacturers of or dealers in oleomargarine. The Grout bill proposes to increase the tax on colored oleomargarine to 10 cents per pound and decrease the tax on uncolored oleomargarine to one-fourth of 1 cent per pound, and it is claimed by the friends of the Grout bill that if the tax of 10 cents per pound is placed on colored oleomargarine it will prevent fraud in the manufacture and sale of that commodity.

The minority of the committee can not find in any particular provision of the bill where it will change the law except as to an increase or decrease of the tax, and make the sale of oleo subject to the State laws when shipped from one State into another. No safeguards are thrown about the sale of this product for the prevention of fraud upon the general public in the proposed bill. The substitute bill we believe, on the contrary, will prevent fraud in the sale of oleo.

I have here on my desk samples of oleo for the purpose of giving an ocular demonstration of the sale of oleomargarine under the present law—a demonstration of the operation of the sale of oleo under the Grout bill, and of the sale of the same product under the substitute bill submitted by the minority of the committee.

I wish to state that the minority of the committee have no feeling in this matter except that fair treatment should be given to the legitimate industry. It has been their effort to frame a bill to prevent the fraudulent sale of this product. We do not charge that dead cats and dogs are being manufactured into butter as has been suggested by the gentleman from Connecticut that they are probably used in the manufacture of oleomargarine. That sort of talk is humbug. I am confident that there is not a gentleman in this House who believes that cats and dogs or any matter repugnant to taste or deleterious to health is used in the manufacture of the oleomargarine that is sold on the market throughout this country.

A few days ago I read the speeches that were made here in 1886 on the subject of oleo, and I found all sorts of charges about deleterious matter said to be used in oleo in those days, but I had thought no gentleman at this time would have the hardihood to state to this House that there is anything in oleomargarine but pure and nutritious matter.

Mr. GROUT. Mr. Speaker, will the gentleman allow me?

The SPEAKER. Does the gentleman yield?

Mr. LORIMER. Yes; I will yield.

Mr. GROUT. Do you deny that paraffin is put in oleomargarine?

Mr. LORIMER. I emphatically deny that paraffin is put in oleomargarine, and if it were necessary to prove it, it is only necessary to say that paraffin is selling to-day at a higher price than you can buy oleomargarine for at retail in the markets in this city. Why, Mr. Speaker, paraffin is now selling, I am informed, for 15 cents a pound wholesale. There was a time when paraffin could be bought for 7 cents.

Mr. GROUT. Do you deny that it has been found in oleomargarine, put in to stiffen it and make it stand up like butter?

Mr. LORIMER. I deny the statement that it is now or has been used in oleomargarine, and I say to you that no statement was made before our committee, backed up by any expert, to that effect.

Mr. GROUT. Has your attention been called to the analyses made by the State chemist of New York of half a dozen tubs of oleomargarine found in Brooklyn some year and a half ago, of which 10 per cent was paraffin.

Mr. LORIMER. I have recollection of a gentleman who said he was the State chemist of the State of New York appearing before the Agricultural Committee, stating that paraffin was used in oleomargarine, and we asked him to submit testimony that we might use in our hearings to present to Congress, and told him that he could submit it at any time prior to the publication of the testimony; but up to date we have received no statement from that gentleman.

Mr. TAWNEY. Will the gentleman allow me?

Mr. LORIMER. Gladly.

Mr. TAWNEY. You say that no deleterious substances are used in the manufacture of oleomargarine. Is it not possible for substances deleterious to health to be used and the consumer not know anything about it?

Mr. LORIMER. Yes, my friend, it is possible for substances deleterious to health to be used in oleomargarine.

Mr. WILLIAMS of Mississippi. And also in butter.

Mr. LORIMER. But it is also possible to use deleterious substances in butter.

Mr. TAWNEY. Can you make butter out of anything except cream or milk?

Mr. LORIMER. I have known of butter being shipped from butter territory that had oleo oil in it. I do not know whether you would call it butter or oleomargarine.

Mr. WILLIAMS of Mississippi. Is it not a fact that some of the very dairymen in this association who are back of this bill use—have we not been led, at any rate, to believe that they used—oleo oil very largely in their so-called butter that they would protect now at the expense of oleomargarine?

Mr. LORIMER. From testimony before the committee I have that impression—

Mr. GROUT. Who gave the testimony? Will the gentleman allow me to ask him to refer to it in the printed testimony?

Mr. LORIMER. I think it was Mr. Oliver, of North Carolina. I am not exactly certain, but I know you will find in the testimony of one of the cotton-seed oil men a suggestion that oleo is now used and will be used in butter more extensively than it now is if the Grout bill should pass.

Mr. GROUT. It was merely a suggestion. It was not stated as a fact.

Mr. LORIMER. I do not say that there was any such statement made as a fact.

Mr. GROUT. Anybody can make a suggestion.

Mr. LORIMER. Mr. Speaker, I was about to say that the minority of the committee are in favor of stamping out fraud in the sale of oleomargarine, and it is admitted by every member of the committee that fraud is and has been perpetrated in the sale of oleomargarine, and I propose to show to the House to-day just how those frauds are committed, to show to the members of the House how they would continue to perpetrate fraud under the Grout bill, and to show the House how absolutely impossible it would be to perpetrate fraud under the substitute submitted by the minority of the committee.

I have here a firkin of oleomargarine, with the Government stamp upon it, as provided under the oleomargarine law. This is sold by the manufacturer to the wholesaler or retailer. A purchaser comes into a store and asks for a pound of butter. The grocer goes back into his ice box and takes out of this oleo firkin a pound of oleo and sells it as a pound of pure butter. In many instances they put the stamp upon the paper and turn it in; but very frequently it is sold for butter. This the minority of the committee admit. And the minority seek to prevent this fraud by the passage of the substitute. Under the law oleo may be put up in rolls and packed in boxes or crates for shipment, about the size of this box I have on my desk, with the Government stamp upon it, as provided by law.

Nothing is required to be stamped upon the roll to indicate what it is. No mark is required in the firkin to indicate its contents. A purchaser asks the storekeeper for a roll of butter. The keeper wraps up a roll of oleo, and nobody is the wiser. This is the way a fraud is perpetrated upon the purchaser. Fraud is committed by the retail dealer; but it is not in testimony before our committee that any manufacturer has ever failed to comply with every letter of the law. Now, suppose you pass the Grout bill. What is there in the Grout bill that will prevent the self-same operation and perpetration of fraud as it is now perpetrated under the present law?

Mr. GROUT. Will the gentleman allow me?

Mr. LORIMER. Certainly.

Mr. GROUT. The Grout bill takes that coloring matter away, so that they can not fool anybody in the product.

Mr. LORIMER. The Grout bill takes that coloring matter away, but it does not prevent anybody from committing fraud. He who wishes to commit fraud and take the chance will color oleo and sell it for butter, and the incentive to do it when the tax is increased to 10 cents per pound from 2 cents is much greater than under the present law.

Mr. GROUT. Does the gentleman intend to be understood that it will be done by the manufacturers?

Mr. LORIMER. No; I intend to be understood that anybody who is now fraudulently selling oleomargarine would color oleomargarine after it is sent to their store and sell it at the increased price for butter.

Mr. GROUT. But is it not a fact that it can not be reworked unless it is remelted and refashioned? Is not that the fact?

Mr. LORIMER. I am not absolutely certain that it is; I am not absolutely certain that it is not so; but I am absolutely certain that a man who sells it fraudulently would very soon find a way to do the coloring.

Mr. Speaker, under the Grout bill a package of oleomargarine that is fraudulently sold would be sold just the same as it is sold under the present law. There is no difference in the operation of

the two laws. There is nothing excepting the 10-cent tax, which absolutely wipes the oleomargarine manufacturer out of business. Gentlemen favoring the Grout bill hope to prevent the sale of oleomargarine by stamping out the industry.

You have not in your bill one safeguard thrown around the sale of oleo to prevent fraud. It is absolutely absurd, Mr. Speaker, to talk of preventing the fraudulent sale of oleomargarine by increasing the tax to 10 cents a pound. I think that under a tax of 10 cents a pound there would be more oleomargarine sold fraudulently than there is now. Right on that point I would like to call attention to this fact. The gentlemen who have spoken here this afternoon have tried to create the impression that almost all the oleomargarine sold in this country is sold for butter by the retailers. We had in testimony before the committee, from Mr. Wilson, Commissioner of Internal Revenue, that less than 10 per cent of it is sold fraudulently. This talk of it all being sold fraudulently is absolutely without foundation.

Now, I wish to show how oleo would be sold under the substitute presented by the minority of the committee. The substitute provides, first, that oleo must be put up in not larger than 2-pound nor smaller than 1-pound packages; there shall be no larger than 2 nor smaller than 1 pound package. It is put up in the factory. When it is patted into a 1 or 2 pound roll, the word "oleomargarine" shall be stamped on the 1-pound or 2-pound roll of oleo. Then this substitute provides that a wrapper shall be placed about the package, with the name of the manufacturer, printed in large letters, the word "oleomargarine," as this roll that I hold in my hand, "W. J. Moxley, high grade of oleomargarine," in big letters.

The size of all these letters is to be determined upon by the Commissioner of Internal Revenue. Then another wrapper may be placed upon the package, and the word "oleomargarine" must be printed upon that wrapper. Following that, the substitute provides that the internal-revenue stamp shall be wrapped around the package. Now, this blue ribbon represents an internal-revenue stamp. It is absolutely impossible, under the operation of this substitute, to sell a pound of oleomargarine for anything but what it is.

Mr. PEARRE. Will the gentleman permit me to ask him a question?

Mr. LORIMER. Certainly.

Mr. PEARRE. How will that protect the public any more than the law now protects them?

Mr. LORIMER. I was just about to come to that point.

Mr. PEARRE. Will the gentleman permit me to add another question?

Mr. LORIMER. Let me answer the first, and I will answer any other question you desire to ask. The substitute provides that no portion of a pound package or 2-pound package shall be sold. It provides that these packages shall not be broken, and the stamp shall not be broken, and it can only be sold in the original package.

Mr. PEARRE. Exactly.

Mr. LORIMER. Yes.

Mr. PEARRE. Now, the Government gets its revenue from the manufacturer when that stamp is put on the package?

Mr. LORIMER. That is true.

Mr. PEARRE. Then the incentive for the Government to track down the violator of the law does not exist, but ends when that package leaves the factory. Is not that true?

Mr. LORIMER. I do not believe that it is true.

Mr. PEARRE. Is not that true?

Mr. LORIMER. I have more confidence in the Government than to believe that it is true.

Mr. PEARRE. Do not you know that the act of 1886 has failed in its original purpose, as passed by the Congress of the United States, because after the Government collected its revenue it did not have the incentive to enforce the police provisions of that bill?

Mr. LORIMER. Just a moment. How does the gentleman harmonize that statement with the fact that we have quite a number of fellows in the penitentiary to-day, placed there by the Government authorities for violating the oleomargarine act?

Mr. PEARRE. I do not want the gentleman to answer my question by asking another, but I will answer his. The people of the United States who desire to eat butter in preference to oleomargarine have gotten after the public officials to such an extent that they have brought about a small number of prosecutions, a very small number, and secured an almost infinitesimal number of convictions compared with the great number of violators of the oleomargarine law.

Will the gentleman answer my question?

Mr. LORIMER. The tobacco sold in this country to-day is put up and sold in the same way that the substitute would regulate traffic in this product and protect the butter against the fraudulent sale of oleomargarine.

Mr. PEARRE. I do not care anything about tobacco.

Mr. LORIMER. No; the gentleman does not care for anything,

only to drive the oleomargarine interests out of business. [Laughter.]

Mr. PEARRE. And the gentleman from Illinois does not care for anything except to advocate and defend the oleomargarine interests, if he desires to make this a personal matter. [Laughter.]

Mr. LORIMER. The only thing I am advocating and defending in this House, on this oleomargarine proposition, is fair play, and that we shall not establish a precedent in this House for future time, stamping out any legitimate business in the interest of another. [Applause.]

Mr. PEARRE. If the gentleman will permit me—

Mr. LORIMER. No; I decline to yield further to the gentleman, because it is evident that he has made up his mind to put the oleomargarine manufacturers out of business, and if I should talk to him eight weeks I could not convince him.

Mr. McCLEARY. May I ask the gentleman a question?

Mr. LORIMER. Certainly.

Mr. McCLEARY. I infer from your statement that you believe that the oleomargarine business could not succeed except by this fraud.

Mr. LORIMER. I did not make any such statement.

Mr. McCLEARY. That the only way they could sell it is by coloring it to resemble another product.

Mr. LORIMER. I did not say that. The gentleman says the only way to sell it would be to sell it by making it resemble something else. The real truth, Mr. Speaker, is that the commercial butter two months from now will be as white as chalk when it is taken from the churn, and it will only be yellow after it is artificially colored.

Mr. McCLEARY. But when it is colored it is what it purports to be; it is butter.

Mr. LORIMER. Colored butter. [Laughter.]

Mr. WADSWORTH. And when he sells oleo, it is colored oleo? [Laughter.]

Mr. LORIMER. Now, nobody on this side of the question will undertake to say that they sell butter for anything but what it is. Our contention is that butter is not naturally of the yellow June color all the year round. Here is a roll of colored butter, artificially colored, and here is a roll of butter made one week ago, and gentlemen will see how light colored it is. Six weeks from now it will be as white as that paper on your desk.

Mr. McCLEARY. But it will still be butter.

Mr. LORIMER. It does not have the natural yellow color all the year round. We contend, if you place any yellow substance in butter for the purpose of making it look good and make it more palatable to those who consume it, oleo manufacturers have the same right to place it in the oleomargarine for the same purpose. We contend that it is not counterfeiting butter by adding a yellow substance to the oleo. What we propose to do is to prevent any fraud in its sale by the passage of this substitute. You know that all the tobacco sold in this country is sold with a stamp across the top, and I do not remember of hearing for a good many years of any fraudulent sale of tobacco put up in that way.

On cigars we put a stamp around the box, as my friend beside me suggests, and I am certain, and I know the gentlemen in this House, too, are satisfied, that if this substitute is passed we will never hear anything about a fraudulent sale of oleomargarine in this country. If it were not for the desire of certain gentlemen to kill the oleo industry, I do not know of a man on the floor but what would accept this substitute. The bill H. R. 3717 is not to compel oleo to be sold for what it is. It is being urged by gentlemen in favor of the Grout bill to stamp the oleomargarine industry out of existence. That is all there is to it. [Applause.]

Mr. McCLEARY. If the gentleman will pardon an interruption, I would like to ask him how he can make that statement when this bill specifically provides that oleomargarine uncolored shall have the tax upon it reduced.

Mr. LORIMER. I will tell the gentleman how I can make that statement. This tax was inspired not by members of this House, but by gentlemen who want to stamp out the oleomargarine industry. They made their statements before the Committee on Agriculture. The pure-food commissioner of the State of Wisconsin, after he had furnished this testimony, said:

There is no use of beating about the bush. We want to pass this law and drive oleomargarine manufacturers out of business.

Ex-Governor Hoard, of Wisconsin, in winding up his statement, said:

This is repressive taxation.

And the secretary of the Dairymen's Union, Mr. Knight, wrote a letter to a butter man in Virginia, which appears in the report of the minority of the committee, in which he stated that—

The Agricultural Committee is now considering a bill that will effectually stamp out the oleo industry, and that is what we want.

I have talked with many gentlemen on this floor who favor this bill, and they have said to me that that is why they are going to vote for it.

Mr. McCLEARY. This industry, as defined in the gentleman's

statement, means undoubtedly the industry of making colored oleomargarine.

Mr. LORIMER. There is no doubt about that.

Mr. NEVILLE. Is it not true that butter would not be stamped out of existence by an anti-color law? And if that is true, then why will this 10 per cent tax stamp out oleomargarine?

Mr. LORIMER. I would answer the gentleman's question in this way: I am willing to vote for an amendment that would prevent the coloring of either oleomargarine or butter.

Mr. NEVILLE. That does not answer the question.

Mr. LORIMER. I do not think that such a tax would effectually stamp out the sale of butter, but it would not bring as high a price in its white state as it brings when it is colored. I admit that fraud has been perpetrated and is being perpetrated every day.

Mr. NEVILLE. But, if such a tax would not stamp out the butter business, if it would not prevent the sale of butter, then, if oleomargarine is sold upon its merits, why would such a tax stamp oleomargarine out of existence?

Mr. LORIMER. One reason is because colored butter would be more palatable. If I should go out to-day to buy a substance to put upon my bread, I would just as willingly take high-grade oleomargarine as good butter; but if I were called upon to decide between high-grade white oleomargarine and yellow butter, yellow butter is more palatable, and I would prefer it; and I think that everybody else would decide in favor of the colored article, because it would be more palatable.

The whole purpose of the Grout bill, and the gentlemen know it, is to prevent the sale of yellow oleomargarine, in order to stamp it out of existence. What is the use of fooling about the matter? We might as well be fair with each other.

Mr. TONGUE. Does the gentleman think that the manufacturers of oleomargarine color their product for the mere purpose of pleasing the eye, or is the object to induce the people to buy the product in the belief that they are buying butter? In other words, is the coloring in the interest of art or in the interest of fraud?

Mr. LORIMER. I believe that oleomargarine is colored by the manufacturers because they think in that form it is more salable, for the reason that it is more palatable—more pleasing to the eye.

Mr. TONGUE. Do they not believe that it will be more salable because people who buy it believe it to be butter and would not otherwise buy it?

Mr. LORIMER. No; but suppose that to be so; what we propose to do is to pass the substitute in order that oleomargarine shall be put up in such a way that it will be absolutely impossible to sell it for anything but what it is.

Mr. TONGUE. When the wrappers are off, what protection will there be for the public against the sale of this article as butter?

Mr. LORIMER. There is the impress on the oleomargarine itself.

Mr. TONGUE. When that has been removed, what then?

Mr. LORIMER. Nothing.

Mr. THROPP. Is it not true that the coloring matters used in this manufacture are neutrals; and, if so, how do they add to the palatability of the oleomargarine?

Mr. LORIMER. When you sit down to a table that is clean and pleasant in appearance, in comparison with one that has a dirty tablecloth, you enjoy your meal best at the clean table.

Mr. THROPP. Then it is the question of appearance?

Mr. LORIMER. Palatability, that is all. People think the article they consume is more palatable, and enjoy it more. Now, why should we discriminate in favor of one industry as against the other?

Mr. THROPP. My object was simply to inquire whether the coloring matter added to the quality of the oleomargarine.

Mr. LORIMER. Everybody knows that it does not.

The only complaint, Mr. Speaker, as I understand it, is that oleomargarine has been manufactured and sold fraudulently as butter. The only complaint that gentlemen make on the floor of the House is that it is sold as such. If that be so, and we simply desire to stamp out the fraudulent sale of it, as we should, then let us adopt legislation that looks to that end. It is a very simple matter, if that is what you wish to accomplish. The only legislation—the only bill that is submitted to the House that will accomplish that end—is the substitute which is now before us.

I think, Mr. Speaker, that I have fully and thoroughly demonstrated the fact that there is nothing new in the Grout bill to stamp out the fraudulent sale of this product in the markets of the country. Because, if it can be sold fraudulently under the present law, there is nothing whatever in the Grout bill which changes the law to prevent the same fraud. The substitute bill affords a safeguard against this fraud, and under its provisions it is possible to shut out the fraudulent sale of this product. I am absolutely certain, Mr. Speaker, that if the substitute is adopted, oleomargarine can be sold and will be sold only for what it is. Thus the fraud would be absolutely cured.

The gentleman from Vermont [Mr. GROUT] suggested that oleo-

margarine was shipped from the city of Chicago to a dealer somewhere in the East and sold at 13 cents a pound, and suggested that this was because of the fact that it was sent in its natural white color. Now, the truth of the matter is that you can buy as much oleomargarine, either white or yellow, as you wish in the factories in the city of Chicago or in any factory in the United States at 12½ cents a pound. The color has nothing to do with the present price of oleomargarine, and the friend of the gentleman in the East who purchased at 13 cents a pound was actually paying a half cent a pound higher than the market price where it is made. So there is nothing in that argument.

I do not know, of course, how carefully the gentleman from Vermont [Mr. GROUT] has figured the statistics on the subject of butter, but at the adjournment of the House in June last I made a comparison, and from the statistics which were then available the amount of oleomargarine manufactured and sold in this country, as compared with the butter manufactured and sold, was a little over 4 per cent—quite considerable less the 5 per cent of the total amount. Now, I remember well, also, that before oleomargarine was manufactured and sold at all, in the city of Chicago, of buying butter in small quantities at 12, 13, 14, 15, or 16 cents a pound.

But since the manufacture of oleomargarine has been started it has been absolutely impossible, at least within the last two or three years, to buy butter at the Elgin factory at a less price than 16 cents a pound even at wholesale. And yet, before oleomargarine became a product in the market of the country, I was able to buy butter at the price I have stated, and there must have been a profit between the manufacturer and the retailer at some point when I purchased butter at from 12 to 16 cents. This proves the fact that the argument which has been made by gentlemen on the other side that the sale of oleo depreciates the price of butter is entirely without foundation, and the records of the market of the country, I venture to assert, will not bear out their assertion.

Mr. Speaker, the greatest dairy industry probably in the United States is in the State of Illinois. I have lived in Chicago for thirty years, and am perfectly willing to take up the statistics on the sale of butter in that city with the gentleman from Vermont, and I am sure they will establish the fact that the price of butter has not been as low since oleo has come on the market as it had been before.

I am absolutely positive that the manufacture of oleomargarine has not affected the price of butter in any respect, but it has furnished the poor with a wholesome article of food in seasons when they could not afford to buy butter on account of its high price, say in the winter months, for instance.

Mr. Speaker, I would like to ask a question for information. Am I talking in my own time or am I consuming the time belonging to the chairman of the committee?

The SPEAKER pro tempore (Mr. HOPKINS). The gentleman, as a member of the committee, is entitled to an hour in his own right. He has nineteen minutes of that time left.

Mr. LORIMER. Then, Mr. Speaker, I reserve the remainder of the time.

Mr. HENRY of Connecticut. Mr. Speaker, I yield twenty minutes to the gentleman from Virginia [Mr. LAMB].

Mr. LAMB. Mr. Speaker, the Committee on Agriculture reported favorably the bill under discussion (H. R. 3717) after carefully weighing all the evidence for and against it. Thirty-two States of the Union, containing a population of over 50,000,000, have passed laws forbidding the manufacture and sale of oleomargarine colored to resemble butter. These laws have been upheld in the courts, and twice sustained by the Supreme Court of the United States. No State has ever repealed one of these laws. The law enacted in 1886 placed a tax of 2 cents per pound upon oleomargarine in order to enforce the clause requiring the branding of every package sold. The revenue has been collected by the Government, but the law has not been enforced, except in rare cases, against the offenders. The more the branding clause of the law of 1886 is violated the greater the revenue, because the oleomargarine pays the tax when sold for what it is or as butter.

The tax of 10 cents imposed by this bill would be collected on all oleomargarine colored to resemble butter. The collection of this tax would likely result in taking out the large profit now realized by the retailers in the counterfeit article, and tend to even up the profits on butter and colored oleomargarine. We have abundant evidence to show that the cost of oleomargarine is about 7 cents a pound. The tax of 10 cents imposed upon the colored to resemble butter would make it stand at 17 cents. These two articles, then, if of even value, as some claim, would have the same chance in an open market, while the oleomargarine uncolored could be sold for 10 or 12 cents to those who preferred to buy it in the natural state.

On one side of this contention stands a great agricultural interest, backed by millions of farmers and the large bulk of the consumers, as well as hundreds of thousands who are engaged in buying and selling butter. On the other hand we have the manufacturers

of oleomargarine and the dealers, who in at least 32 of the States are evading or violating the laws. In passing this bill we will have public opinion strongly and broadly behind us.

Three vocations are asking this legislation—the dairymen, the small farmers throughout the country, who perhaps are the greatest sufferers, and the retail dealers in butter. The letters and petitions from my own district indicate this. I have received a great number of letters urging the passage of this bill, not only from the farmers of the six counties I represent, but from the retail dealers of the city of Richmond and many of the citizens of that city. As a sample of the many letters from the counties, I quote the following:

CHESTERFIELD COUNTY, VA., March 12, 1900.

DEAR SIR: The measure now before Congress, the Grout bill, seems to me to be a great improvement on the present law relating to oleomargarine. Let the poor have it cheaply, but compel them to sell it as it is made—white in color.

When it is colored to imitate butter it is a fraud that injures farmers. Dairy interests should be fostered in your district.

There are few if any farmers in this section who have anything like money gain to show for the last ten years of hard work.

It seems to me that the best thing we can do to improve our farms and improve this section is to produce stock and dairy products.

All the farmers I have seen approve of the Grout bill. I trust you have or will vote for it.

Yours, truly,

Hon. JOHN LAMB.

Here is another, even more pronounced:

SABOT ISLAND, VA., February 24, 1900.

DEAR SIR: If you know as much about the disreputable competition which we people have to contend with who are endeavoring to do an honest business in the production of an honest article of butter, we do not believe you would hesitate long about getting down to work for the passage of the Grout bill taxing butterine 10 cents per pound when made in semblance of butter and giving the States the right of jurisdiction over imitations as soon as they enter the State.

We are willing that all who want oleomargarine shall have it, but we want it fixed so that people who do not want it will not have to have it palmed off on them for butter.

We are willing to reduce the tax on that oleomargarine which is made so it will comply with the State laws of our thirty-two principal States, but the revenue law as it now stands is a detriment rather than an aid in carrying out the wishes of the people. Please give us your support in getting the Grout bill passed.

Respectfully, yours,

Hon. JOHN LAMB,

House of Representatives, Washington, D. C.

These letters from farmers might be multiplied indefinitely. As showing the feeling of another class, here is a sample from the dealers and commission merchants.

RICHMOND, VA., March 26, 1900.

DEAR SIR: As president of the Richmond, Va., Branch of Commission Merchants of the United States, I write in the interests of the Grout bill, that you give it your support, believing its passage will meet with the approval of the people of the Third district.

I have understood you have received few letters from merchants here claiming it would not be to the interest of Richmond people for the passage. I beg to differ with them, and only think they wrote in their own personal interest as dealers, direct or indirectly, and must say if some change don't take place the butter interest in Virginia is of short duration. And what then will become of our farmers whose main support is the cow? Hoping again your request will meet with your hearty support, I am,

Very truly, yours,

W. F. SEYMOUR,

President Richmond Branch N. L. C. M. of the United States.

Hon. JOHN LAMB, Washington, D. C.

Here is another equally to the point:

RICHMOND, VA., March 26, 1900.

DEAR SIR: We, the undersigned, dealers in pure butter in the city of Richmond, Va., note with pleasure the active interest and work manifested by you in the Grout bill, which raises the tax on oleomargarine made in semblance of butter from 2 to 10 cents per pound, the sale of such oleomargarine being forbidden by the laws of our State; also provides for the lowering of the tax on that which will meet the requirements of our State laws from 2 cents to one-fourth cent per pound, and gives the States jurisdiction over imitation dairy products upon entering their borders. We highly commend your position in this matter, and assure you that your attitude can not affect the interest of anybody in our State who is complying with our State laws, while the accomplishment of the object which you seek to attain would put thousands of dollars into the pockets of the people of your State now going into the coffers of bogus makers of other States.

The merchants of this city are all in favor of this law except those dealing in the bogus article.

Yours, very respectfully,

W. W. SPRATLEY & CO.

Hon. JOHN LAMB, Washington, D. C.

Here is an extract from a letter inclosing a petition, largely signed, in favor of the Grout bill:

DEAR SIR: I have not been able to see the trade or private citizens as I would like, else would send you hundreds of more names. We know the sentiment of Richmond on this line, and know it is against the sale of this bogus stuff, and we know you will do what you think is just and right, and are willing to trust you in this matter, as well as all others.

S. F. PADGETT & CO.

Here is one that presents in concise form three reasons for the passage of this bill that will appeal to the minds and hearts of these Representatives:

RICHMOND, VA., March 26, 1900.

DEAR SIR: We write in the interests of the Grout bill to beg for it your vote and influence.

Because the manufacture of butterine has almost destroyed the butter interests in this State; because it is not right that the few who are making

this bogus butter should add to their millions at the expense of every poor woman in the land who owns a cow; because the business in oleomargarine or butterine encourages deception, it being regularly advertised and palmed off as genuine butter, and it is so advertised now in this city. I mention but few of the many reasons that call for the passage of this Grout bill, and beg you to support the bill.

Yours, truly,

J. D. MCINTIRE.

Hon. JOHN LAMB, Washington, D. C.

The editor of the Southern Planter, a leading agricultural journal of the South, published in Richmond, Va., writes as follows:

DEAR SIR: I hope that we may count on you using all your influence in favor of the Grout bill now before the Agricultural Committee. The dairy interest in the South, and especially in Virginia, is becoming a large one, and this bill is of great importance to that interest.

Yours, truly,

J. F. JACKSON.

A petition from the merchants and citizens of Richmond, Va., numerously signed, asking for the passage of this bill, says in part:

We highly commend your position in this matter and assure you that your attitude can not affect the interest of anybody in this State who is complying with our State laws, while the accomplishment of the object which you seek to attain would put thousands of dollars into the pockets of the people now going into the pockets of bogus butter makers of other States.

We believe the bill a just and honest one, and we further know that public opinion demands it, and, were it put to a vote with our people, that 90 per cent of the people would vote for it. We further assure you that 90 per cent of our people who buy oleomargarine buy and eat it for butter, as we have never seen or heard of oleomargarine being advertised as oleomargarine, but always as pure or fine creamery butter. See the deception used.

These letters and petitions clearly indicate the views of my constituents on this important subject, and I take it that the same opinions are held by a large majority of citizens of the rest of the State.

The commissioner of agriculture of the State of Virginia, in a letter of recent date written to me on the subject, says:

The merchants make such a large profit from the sale of oleomargarine they prefer handling it to butter, and it has consequently ruined the dairy interest in this State. Ten years ago the dairy business in this State was developing splendidly, but now most of them have closed up on account of competition of oleomargarine. Our farmers are heavy losers on this account.

The failure of our farmers to keep a large number of cows and raise more stock is hurtful to the agricultural advancement in this State.

The State board of agriculture at its last meeting, November 30, unanimously passed a resolution requesting the Congressmen and Senators of this State to support the Grout bill.

I produce this witness, and could easily add many others, to offset the declaration made in the very able report of the minority of the committee that "the manufacture and sale of oleomargarine does not interfere with the growth and prosperity of the butter industry."

The minority report also says:

The oleomargarine is practically all bought by the poorer class of people. In justification of this statement we have received a large number of petitions from the labor organizations of our country protesting against the passage of this bill for the above given reasons.

I have never received a petition from a labor organization protesting against the passage of this measure, although there are fifty to seventy-five organizations in the two cities I represent, and fully 10,000 laborers. In fact, I have had only two letters, and two telegrams from my district protesting against the Grout bill, while I have received hundreds favoring its passage. The opponents of this measure have a good deal to say about oleomargarine as a cheap food for the poor. You will observe that the poor, for the most part are silent on this bill. We take it that they desire good butter and not a counterfeit. Some say oleomargarine is the poor man's butter, and that the tax on this article comes finally out of his hard earnings. I have a few letters on this line. For such as these Shakespeare gives an answer:

Mark you this, Bassanio,

The devil can cite Scripture for his purpose.

An evil soul, producing holy witness,

Is like a villain with a smiling cheek;

A goodly apple rotten at the heart;

O, what a goodly outside falsehood hath!

[Applause.]

We claim that the advocates of this measure, who ask that the force of law be turned against the counterfeit, are the best friends of the poor.

When this measure is enacted into law the uncolored article can be sold at 10 or 12 cents a pound. This will be the poor man's opportunity. He pays now from 15 to 25 cents for oleomargarine. The minority report claims that this bill, if enacted into law, would destroy the business of the oleomargarine manufacturers, and cite in proof of this the strong language of a few of the gentlemen who testified before our committee. In reply I beg to quote the language of my colleague, who drew the majority report.

We believe the manufacture and sale of oleomargarine will continue under this measure, and that those who desire a cheap substitute for butter will purchase the uncolored article. The only difference is that the counterfeit article, colored in imitation of butter, will no longer be accessible to hotel keepers, restaurant keepers, and boarding house proprietors at such prices as will be an inducement for them to deceive their guests, as is now, we believe, absolutely universal where it is served, and thus another class of consumers, who have been subject to imposition for more than twenty years, will be able to know whether they are eating butter fat or hog fat when they spread their bread. If colored oleomargarine is served it will be because it is better, and not because it is cheaper than butter.

The minority report has a good deal to say about the healthfulness of this article and quotes a number of professors of chemistry in proof of their contention.

On the other hand, there are a great number of reports in England, France, and this country going to show that the effects of oleomargarine are harmful. On this point I beg to refer you to the able argument of ex-Governor W. D. Hoard, made before the Committee on Agriculture March 17, 1900, and printed in the hearings before that committee.

But we hold it immaterial to this discussion whether this article is wholesome or not. The object of this bill is to secure honesty in trade; to protect the public pocket, rather than the public health. We are not called upon to prove that oleomargarine makes people sick. We are required to prove that the sale of the great bulk of the product is permeated with fraud and that it is purchased for and as butter by consumers who would not want it were it not colored in imitation of a more valuable product.

The substitute bill so earnestly advocated by the minority members of the Committee on Agriculture will not, for many reasons, meet the difficulty.

First. It attempts to legalize the coloring of oleomargarine against which thirty-two States of the Union have passed laws.

Second. It will completely destroy the butter interest of the country.

Third. The temptation to fraud will only be removed in the degree that the price of the article is lowered by the absence of competition, for the hotel, restaurant, and boarding-house keepers can buy from the retail butter dealers any number of these original 1 and 2 pound packages and put it upon their tables as butter, removing easily the impress made on the packages. The present law, bad as it is, will be far preferable to the substitute. There is not much in this substitute about the coloring of oleomargarine in imitation of butter. Indeed, the advocates of the substitute ask you why it is not as permissible to color oleomargarine as it is to color butter. We reply: Because they are not colored for the same purpose. Butter is not colored to resemble a superior article and impose on the consumer.

Oleomargarine is colored to make it resemble a better product. It is colored to deceive the consumer. The coloring adds nothing to the food value of the article. The proposed taxation against colored oleomargarine works no hardship to the consumer. Those who want this fat substitute for butter can buy it much cheaper in its natural state. The Grout bill, when enacted into law, will force out this color or semblance to butter; will check or entirely destroy the fraud; will protect the great army of producers of butter from competition with a counterfeit, and will enable those who want a cheap food to buy this oleomargarine at a fair price in the market, knowing what they buy and what they are eating.

But the opponents of this measure say the cattle raisers of this country will be injured, and our minority committee grow eloquent over the evils of taxing one industry to benefit another. They appear more interested for the dead cow than the living animal. If the dairy interest be destroyed or crippled and the cows are sold off and slaughtered, as is being done in some districts to an alarming extent, what about an increase of beef cattle and feeders? Will not the falling off in this way lose to the cattle raisers more than the 40 or 50 cents per head now claimed for the sale of oleo oil? You will find this a two-edged sword cutting both ways. [Applause.]

We do not propose to sacrifice the cow's udder in order to save a few cents on the beef fat.

Pass your substitute allowing the coloring of oleomargarine. Let this counterfeit that can be made at about one-third the cost of genuine butter and sold at about one-half and leave a margin of profit drive the great dairy and butter interests to the wall, and the effect will not be confined to those extensive interests alone, but will be felt in every nerve of our great system—through thousands of happy homes it will be felt. Helpless women and defenseless children even now cry unto you for help. These cries will be turned into curses when your special privilege to the few shall have deprived them of the sale of the last pound of butter that brought to their cheerless homes 3 pounds of sugar. Impoverished mother earth, that has been forced to give without receiving back, will enter protest. Let us not, I pray you, sacrifice the cow for her tallow.

Oh, what a noble cow was here undone,
When Brindle's self destroyed her favorite son!
Yes, she too much indulged thy fond pursuit,
She sow'd the seeds, but death has reap'd the fruit.
'Twas thine own genius gave the final blow,
And help'd to plant the wound that laid thee low;
So the struck milker stretch'd upon the plain,
No more through waving grass to browse again,
View'd her own tallow on the fatal dart,
And wing'd the shaft that quiver'd in her heart.

[Applause.]

But there is another interest that will suffer, we are told, if the Grout bill passes.

The manufacturers of cotton-seed oil claim that their interests

will suffer if the oleomargarine manufacturers are crippled or destroyed by the operations of this bill. It is well known that the foreign demand for cotton-seed oil is great now and constantly increasing. There is a demand from every country on the globe for this article. The small quantity used in the manufacture of oleomargarine can not affect to any appreciable degree the sale of cotton-seed oil. The amount used is only 7 per cent, as reported by the Secretary of the Treasury in response to an inquiry from this House.

The broad-minded statesmen from the cotton States here will not refuse their vote for a measure proposing to check or destroy a fraud that is being perpetrated upon the people of this country, even were temporary inconvenience or loss to follow for their own Heaven-favored land, with a monopoly in cotton itself, now commanding \$50 a bale. With cotton manufactories springing up all around them, with the cereals flourishing in every State, with cattle upon a thousand plains, with hogs everywhere, and cows not yet counted by the 1900 census, what damage can come to them through the loss of a market for a few thousand gallons of oil, made from the seed that a few years ago they hauled out for manure? I do not think these brave and noble people who have endured so much and are now advancing so marvelously in material development would have us vote to cripple the great butter and dairy interest of the whole country, in which they have a deep and increasing interest themselves, in order to encourage the manufacture of cotton-seed oil.

As a matter of fact, the 83,000,000 pounds of oleomargarine manufactured each year and valued at \$12,450,000 only contains \$207,500 worth of cotton-seed oil, which is only \$24,000 to each of the cotton-growing States. Suppose this estimate too low; that \$500,000 is nearer right. Then \$50,000 for each of these 7 States is a mere bagatelle. The last report shows 17 manufacturers of oleomargarine in 8 States. There were 164 wholesale dealers. There are nearly 10,000,000 people in this country directly interested in the dairy can. The fraudulent sale of oleomargarine hurts each one of them. Shall the 17 have their way against the 10,000,000?

But there is a weightier reason than the value of oil bearing on the minds of my Southern colleagues. They claim that it is an improper exercise of Congressional authority to destroy business through Federal taxation. The opposite view has been held by distinguished authorities. The Supreme Court, in *McCulloch vs. Maryland* (4 Wheat., 428), says:

It is admitted that the power of taxing the people and their property is essential to the very existence of the Government and may be legitimately exercised to the utmost extent to which the Government may choose to carry it. The people give to their Government the right of taxing themselves and their property; and as the exigencies of the Government can not be limited, they prescribe no limits to the exercise of this right, resting confidently on the interest of the legislator and on the influence of the constituents over their representatives to guard them against its abuse.

Desty, in his work on Taxation, says:

One purpose of taxation sometimes is to discourage a business, and perhaps put it out of existence, and it is taxed without any idea of protection attending the burden.

Chief Justice Marshall, in the case of *McCulloch vs. Maryland*, also said:

That the power to tax involves the power to destroy; that the power to destroy may defeat and render useless the power to create; that there is a plain repugnance in conferring on one government a power to control the constitutional measures of another, which other, with respect to those very measures, is declared to be supreme over that which exerts the control, are propositions not to be denied.

Justice Story, in his work on the Constitution (Book 1, pp. 677, 678), says:

Nothing is more clear from the history of nations than the fact that the taxing power is very often applied for other purposes than revenue. It is often applied as a virtual prohibition; sometimes to banish a noxious article of consumption, sometimes as a suppression of particular employments.

Justice Woodbury, in the case of *Pierce et al. vs. New Hampshire* (5 Wheat., 608), said:

But I go further on this point than some of the courts and wish to meet the case in front and in its worst bearings. If, as in the view of some, these license laws are in the nature of partial or entire prohibitions to sell certain articles as being dangerous to public health and morals, it does not seem to me that their conflict with the Constitution would by any means be clear. Taking for granted that the real design in passing them is the avowed one (prohibition), they would appear entirely defensible as a matter of right, though prohibiting sales.

In Walker's Science of Wealth this rule of taxation is also general:

The heaviest taxes should be imposed upon those commodities the consumption of which is especially prejudicial to the interests of the people.

I leave to more capable hands the further discussion of this point. I know that it will be contended that this is a drastic measure. It is offered to meet serious conditions and not for the purpose of transferring the earnings of one class to increase the profits of another.

Its provisions when enacted into law will work in harmony with the laws of thirty-two States of the Union.

Oleomargarine, colored in imitation of butter, will have a fair

chance. The temptation to perpetrate fraud and deceive customers will be abated, if not entirely removed.

It is the duty of every legislative body to pass the necessary laws to prevent fraud and deception. Nothing grows so fast as crime. Countenance the smallest crime, and it will increase tenfold. License one crime, and there are persons always willing to commit a greater crime and point to the crime licensed as their excuse.

Pass this bill, and 5,000,000 farmers will approve your action, while their children will rise up and call you blessed. Pass this bill, and thousands upon thousands of dealers in butter all through our land will heave a sigh of relief and say, "Well done, thou good and faithful servants."

The patient toiling tillers of the soil, the bone and sinew of the land, the producers, as well as the consumers, who do not often ask legislation at your hands, now urge you to pass a measure that will help resuscitate our common mother earth.

It is the earth alone of all the elements around us that is never found an enemy to man. The great body of waters deluge him with rain, oppress him with hail, and drown him with inundations. The air rushes on in storms and prepares the tempest or lights up the volcanoes, but the earth, gentle and indulgent, ever subservient to the wants of man, spreads his walks with flowers and his table with plenty; returns with interest every good intrusted to her care, and though she produces the poison, still supplies the antidote, though teased more to furnish the luxuries of man than his necessities, yet even to the last she continues her kind indulgence, and when life is over piously hides his remains in her bosom.

[Loud applause.]

During the delivery of the foregoing remarks, the time of Mr. LAMB having expired,

Mr. HENRY of Connecticut yielded to him five minutes more.

Mr. GAINES. I should like to ask the gentleman a question.

Mr. LAMB. Certainly.

Mr. GAINES. Is this 10 per cent tax under the Grout bill a prohibitory tax?

Mr. LAMB. It will very likely have that effect, so far as the colored butter is concerned, but it will not prohibit the manufacture of this article in its natural state. I have no question that more of it will be manufactured after the tax is imposed. A taste will be educated for this article and people will buy it, not under the guise of something else, but buy it for what it is, at what it is worth. If they want to color it they have a right to do so in their own homes.

Mr. BAILEY of Kansas. Mr. Speaker, during the early days of this session of Congress House bill 3717, now known as the Grout bill, was introduced, and was referred to the Committee on Agriculture, and by the chairman of that committee was referred to a subcommittee of five. Immediately the mail of this subcommittee was flooded with petitions for the passage of the bill and with protests against its passage. The petitions for the passage came from those who were immediately interested in the dairy business, and were nearly all exactly alike, printed upon postal cards, with the address of the different members of the committee printed upon the cards.

These cards and petitions were printed in Chicago, at the headquarters of the National Dairy Union, and were sent to the farmers and dairymen all over the country, with the request that they sign the same and forward to Congress. The protests came from the stock raisers and stock feeders of the country, from the live stock associations, and from the stock exchanges. Almost the entire cotton belt of our country united in protesting against the passing of the bill in the form that it was introduced.

The labor organizations from all over the country also sent in their protests against the bill on the ground that it was putting a tax upon a product that to them had become a staple article of food and one of the necessities of life. Each one of these great interests also demanded that an opportunity be given them to appear before the committee and give their reasons why they were for or against the bill. In accordance with this request, the subcommittee arranged to give all who were interested a hearing. The first hearing was accorded to the representatives of the National Dairy-men's Union. Ex-Governor Hoard, of Wisconsin, president, and C. Y. Knight, secretary, with other gentlemen, testified before our committee, representing this association, and advocated the passage of the Grout bill.

Mr. Speaker, the reason given by the friends of the Grout bill for the support of this measure, on its face, is to suppress the fraudulent sale of oleomargarine as butter. It is claimed by the friends of the bill that a very large per cent of oleomargarine that is sold is palmed off upon an unsuspecting public as pure butter. Indeed, the gentleman from Vermont [Mr. GROUT], in his remarks before the House to-day, said 90 per cent of the oleomargarine manufactured was sold as butter.

Mr. Speaker, the evidence before our committee does not bear out the statement made by the gentleman from Vermont. Mr. Wilson, late Commissioner of Internal Revenue, was before the committee, and in his published testimony, on page 177, Commissioner Wilson testifies that not to exceed 10 per cent of oleomargarine is sold for butter, but that 90 per cent of oleomargarine is

sold as oleomargarine and that the people who buy it are fully advised of what they are buying. Now, I submit that the Commissioner of Internal Revenue is in the best position of any man in the entire country to form an accurate and correct opinion upon this subject, and his official opinion should be given credence by this House and by the country at large over the statement of men who have no data upon which to base their judgment and have formed their opinions solely upon prejudice.

Now, Mr. Speaker, there is no contention upon the part of the friends of the proposed bill that either the manufacturer or wholesale dealer commits any fraud in the sale of oleomargarine, but the whole contention is that the fraud is perpetrated by the retailer, and considerable testimony was introduced showing this fraud. And speaking for myself, and, as I believe I do, for the subcommittee who drafted the substitute bill, it was our honest opinion, after listening to all the testimony, that the Grout bill offered no remedy for the suppression of this fraud, and it was for that reason that we drafted the bill which, at the proper time, will be offered as a substitute for the pending bill.

Mr. Speaker, I desire to read at this point and incorporate into my remarks both the Grout bill and the substitute offered by the subcommittee.

THE GROUT BILL.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all articles known as oleomargarine, butterine, imitation butter, or imitation cheese, or any substance in the semblance of butter or cheese not the usual product of the dairy and not made exclusively of pure and unadulterated milk or cream, transported into any State or Territory, and remaining therein for use, consumption, sale, or storage therein, shall, upon the arrival within the limits of such State or Territory, be subject to the operation and effect of the laws of such State or Territory enacted into the exercise of its police powers to the same extent and in the same manner as though such articles or substances had been produced in such State or Territory, or the District of Columbia, and shall not be exempt therefrom by reason of being introduced therein in original packages or otherwise: *Provided*, That nothing in this act shall be construed to permit any State to forbid the manufacture or sale of oleomargarine in a separate and distinct form and in such manner as will advise the consumer of its real character free from coloration or ingredient that causes it to look like butter.*

SEC. 2. That on and after July 1, 1901, the tax upon oleomargarine as prescribed in section 8 of the act approved August 2, 1886, and entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," shall be one-fourth of 1 cent per pound when the same is not colored in imitation of butter; but when colored in imitation of butter the tax to be paid by the manufacturer shall be 10 cents per pound, to be levied and collected in accordance with the provisions of said act.

The proposed substitute is as follows:

Strike out all after the enacting clause and insert: "That sections 3 and 6 of an act entitled 'An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine,' approved August 2, 1886, be amended so as to read as follows:

"SEC. 3. That special tax on the manufacture and sale of oleomargarine shall be imposed as follows: Manufacturers of oleomargarine shall pay \$900 per annum. Every person who manufactures oleomargarine for sale shall be deemed a manufacturer thereof.

"Wholesale dealers in oleomargarine shall pay \$480 per annum. Every person who sells or offers for sale oleomargarine in quantities greater than 10 pounds at a time shall be deemed a wholesale dealer therein; but a manufacturer of oleomargarine who has given the required bond and paid the required special tax, and who sells oleomargarine of his own production only at the place of its manufacture in the original packages, to which the tax-paid stamps are affixed, shall not be required to pay the special tax of a wholesale dealer on account of such sales.

"Retail dealers in oleomargarine shall pay \$48 per annum. Every person who sells or offers for sale oleomargarine in quantities not greater than 10 pounds at a time shall be regarded as a retail dealer therein.

"SEC. 6. That all oleomargarine shall be put up by the manufacturer for sale in packages of 1 and 2 pounds, respectively, and in no other or larger or smaller package; and upon every print, brick, roll, or lump of oleomargarine, before being so put up for sale or removal from the factory, there shall be impressed by the manufacturer the word "Oleomargarine" in sunken letters, the size of which shall be prescribed by regulations made by the Commissioner of Internal Revenue and approved by the Secretary of the Treasury; that every such print, brick, roll, or lump of oleomargarine shall first be wrapped with paper wrapper with the word "Oleomargarine" printed on the outside thereof in distinct letters, and said wrapper shall also bear the name of the manufacturer, and shall then be put singly by the manufacturer thereof in such wooden or paper packages or in such wrappers and marked, stamped, and branded with the word "Oleomargarine" printed thereon in distinct letters, and in such manner as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe, and the internal-revenue stamp shall be affixed so as to surround the outer wrapper of each 1 and 2 pound package: *Provided*, That any number of such original stamped packages may be put up by the manufacturer in crates or boxes, on the outside of which shall be marked the word "Oleomargarine," with such other marks and brands as the Commissioner of Internal Revenue shall, by regulations approved by the Secretary of the Treasury, prescribe.

"Retail dealers in oleomargarine shall sell only the original package to which the tax-paid stamp is affixed, and shall sell only from the original crates or boxes in which they receive the pound or 2-pound prints, bricks, rolls, or lumps.

"Every person who knowingly sells or offers for sale, or delivers or offers to deliver, any oleomargarine otherwise than as provided by this act or contrary to the regulations of the Commissioner of Internal Revenue made in pursuance hereof, or who packs in any package any oleomargarine in any manner contrary to law, or who shall sell or offer for sale, as butter, any oleomargarine, colored or uncolored, or who falsely brands any package, or affixes a stamp on any package denoting a less amount of tax than that required by law, shall be fined for the first offense not less than one hundred nor more than five hundred dollars and be imprisoned not less than thirty days nor more than six months; and for the second and every subsequent offense shall be fined not less than two hundred nor more than one thousand dollars and be imprisoned not less than sixty days nor more than two years."

Now, Mr. Speaker, if the suppression of fraud in the sale of oleomargarine is the thing to be accomplished, I submit this proposition: The substitute bill closes every avenue of fraud in the sale of oleomargarine as butter, and the Grout bill utterly fails in this purpose. All the Grout bill does is to add 8 cents a pound to the cost of manufacturing oleomargarine and is going entirely upon the theory that this will make the cost so great that the manufacturers will be driven out of business, thereby ruining their industry and confiscating their property; and, indeed, it was brought out in the testimony of Mr. Knight, Governor Hoard, and Mr. Adams, pure-food commissioner of Wisconsin, that this was the avowed purpose of the bill.

But suppose this does not obtain, and the manufacturers of oleomargarine still continue to make their product, I want some one of the friends of the pending bill to tell me in what way the dairy interests are better protected than they are now. Several times during the past year I have gone upon the market in this city and have inquired the retail price of creamery butter and the best grade of oleomargarine. During that time the average price of butter has been 35 cents per pound and oleomargarine 20 cents.

Now add your 8 cents, making oleomargarine worth 28 cents, it is still cheaper than creamery butter by 7 seven cents per pound, and the dishonest dealer will have a greater incentive to sell it for butter, having paid more for the article. On the other hand, the substitute bill provides that oleomargarine shall be put up by the manufacturers in 1 and 2 pound packages and in no larger or smaller amounts, and that the word "oleomargarine" shall be impressed in the package; then it shall be wrapped with paper upon which is plainly printed the word "oleomargarine," with the name of the manufacturer.

This, of course, will be the thin wrapping paper usually wrapped around pound prints of both butter and oleomargarine. And then they shall place around this package another wrapper, upon which the word "oleomargarine" is printed, and around this the Government revenue stamp is placed, and the size of the letters and the marking shall be under the direction of the Commissioner of Internal Revenue; then a penalty is provided for selling or offering to sell oleomargarine that is not put up and wrapped and stamped according to the terms of the substitute bill, thereby preventing, as far as law can prevent, the selling of oleomargarine as butter.

Mr. Speaker, in view of all these facts, I say to this House and to the people of this country that the substitute bill is the true friend and protector of the dairy interests, and that the Grout bill, if enacted into law, will prove a disappointment to its advocates and will fail utterly to accomplish the purpose claimed by its supporters.

But gentlemen ask what protection is given to the patrons of hotels and restaurants if you pass this substitute bill? I answer, he has greater protection than he has under the Grout bill. If the Grout bill is enacted into law, what protection has the man who goes to a restaurant or to a hotel under that bill? Under this law, when these wrappers are put on in this way, no one can buy oleomargarine without it being known to everybody in his establishment that he has bought oleomargarine. At once every man who works for him, every helper, and every waiter knows that he is using oleomargarine. If the Grout bill passes, he can go and buy a 50-pound firkin of oleomargarine and he can remove the stamp and take it to the hotel and tell his servants to place butter upon the table. The protection you have under the substitute is this, that it becomes apparent at once to the help that he is setting butterine on his table. And the hotel keeper that poses as using only butter will at all times be subject to the mercy of his help.

Mr. GAINES. Would they raise the wages of the help?

Mr. BAILEY of Kansas. I can not answer that question, but this thing is sure, that everybody connected with the hotel would know at once that the hotel keeper had taken oleomargarine into his establishment, and the first time that a waiter was discharged he would publish to every guest the deception, if it was practiced. Under the workings of the Grout bill no one would know it. The difference between these two bills is that the substitute gives greater protection to the patrons of hotels and restaurants than the law as it is now or the Grout bill.

Mr. Speaker, up to this point in my remarks I have attempted to discuss the merits and demerits of the bill and substitute purely from the standpoint of protecting the dairy interests and the suppression of fraud in the sale of oleomargarine. But there are other great questions at issue and other potent reasons why the Grout bill should not be enacted into law. In the first place, the Grout bill is class legislation of the most radical kind; in that it seeks to build up by legislation one industry at the expense of another.

It has been the policy of our Government in the past to use its taxing power to protect American interests and American industry against foreign competition, but if this bill becomes a law it will be the first time in our history that the taxing power of the

Government has been used to protect one American industry against another American industry. And I believe it is clearly a perversion of the taxing power of our Government. And I call the attention of this House to this fact: You pass this bill and you establish a precedent that will encourage monopoly and lay the foundation for commercial oppression. Pass this bill and any industry, when it realizes that it will be the loser with competition by some innovation that science or ingenuity has devised, can point to our action to-day as a precedent, and by manufacturing sentiment, based upon prejudice, can come to Congress and suppress their competitor by legislative action.

Mr. Speaker, as a raiser of horses on my farm in Kansas, I have as much right to come and ask you to suppress the automobile and electric cars, because, forsooth, from time immemorial the horse has been used to draw carriages and street cars, and these innovations upon his time-honored right threatens what has been a legitimate and lucrative industry. And in this way and by such legislation as this we will create the mother of trusts and monopolies. But some gentlemen will claim that this legislation can be justified under the police power.

Mr. Speaker, I deny this proposition, for even the most ardent advocates of the Grout bill never have during this session of Congress attempted to claim that either the public health or public morals of our people are prejudiced by the sale of oleomargarine as oleomargarine. Indeed, Mr. Speaker, if there has been anything established by the testimony taken before our subcommittee it is this, that oleomargarine is a healthful and wholesome article of food, and I quote but a part of the large amount of testimony that was before our committee bearing upon this question:

OPINIONS OF LEADING SCIENTISTS.

Prof. C. F. Chandler, professor of chemistry at Columbia College, New York, says: "I have studied the question of its use as food, in comparison with the ordinary butter made from cream, and have satisfied myself that it is quite as valuable as the butter from the cow. The product is palatable and wholesome, and I regard it as a most valuable article of food."

Prof. George F. Barker, of the University of Pennsylvania, says: "Butterine is, in my opinion, quite as valuable as a nutritive agent as butter itself. It is perfectly wholesome, and is desirable as an article of food. I can see no reason why butterine should not be an entirely satisfactory equivalent for ordinary butter, whether considered from the physiological or commercial standpoint."

Prof. Henry Morton, of the Stevens Institute of Technology, New Jersey, says: "I am able to say with confidence that it contains nothing whatever which is injurious as an article of diet, but, on the contrary, is essentially identical with the best fresh butter, and is superior to much of the butter made from cream alone which is found in the market. The conditions of its manufacture involve a degree of cleanliness and consequent purity in the product such as are by no means necessarily or generally attained in the ordinary making of butter from cream."

Prof. S. W. Johnson, director of the Connecticut Agricultural Experiment Station and professor of agricultural chemistry in Yale College, New Haven, says: "It is a product that is entirely attractive and wholesome as food, and one that is for all ordinary and culinary purposes the full equivalent of good butter made from cream. I regard the manufacture of oleomargarine as a legitimate and beneficial industry."

Prof. S. C. Caldwell, of Cornell University, Ithaca, N. Y., says: "While not equal to fine butter in respect to flavor, it nevertheless contains all the essential ingredients of butter, and since it contains a smaller proportion of volatile fats than is found in genuine butter it is, in my opinion, less liable to become rancid. It can not enter into competition with fine butter, but so far as it may serve to drive poor butter out of the market its manufacture will be a public benefit."

Prof. C. A. Goessmann, of Amherst Agricultural College, says: "Oleomargarine butter compares in general appearance and in taste very favorably with the average quality of the better kinds of dairy butter in our markets. In its composition it resembles that of ordinary dairy butter, and in its keeping quality, under corresponding circumstances, I believe it will surpass the former, for it contains a smaller percentage of those constituents which, in the main, cause the well-known rancid taste and odor of a stored butter."

Prof. Charles P. Williams, professor in the Missouri State University, says: "It is a pure and wholesome article of food, and in this respect, as well as in respect to its chemical composition, fully the equivalent of the best quality of dairy butter."

Prof. J. W. S. Arnold, professor of physiology in the University of New York, says: "I consider that each and every article employed in the manufacture of oleomargarine butter is perfectly pure and wholesome; that oleomargarine butter differs in no essential manner from butter made from cream. In fact, oleomargarine butter possesses the advantage over natural butter of not decomposing so readily, as it contains fewer volatile fats. In my opinion, oleomargarine is to be considered a great discovery, a blessing for the poor, and in every way a perfectly pure, wholesome, and palatable article of food."

Prof. W. O. Atwater, director of the United States Government Agricultural Experiment Station at Washington, says: "It contains essentially the same ingredients as natural butter from cow's milk. It is perfectly wholesome and healthy and has a high nutritious value."

Prof. Henry E. Alvord, formerly of the Massachusetts Agricultural College, and president of the Maryland College of Agriculture, and now chief of the Dairy Division of the United States Department of Agriculture, and one of the best butter makers in the country, says: "The great bulk of butterine and its kindred products is as wholesome, cleaner, and in many respects better than the low grades of butter, of which so much reaches the market."

Prof. Paul Schweitzer, Ph. D., LL. D., professor of chemistry, Missouri State University, says: "As a result of my examination, made both with the microscope and the delicate chemical tests applicable to such cases, I pronounce butterine to be wholly and unequivocally free from any deleterious or in the least objectionable substances. Carefully made physiological experiments reveal no difference whatever in the palatability and digestibility between butterine and butter."

Professor Wiley, Chief of the Division of Chemistry of the United States Department of Agriculture, also appeared before the committee and testified to the nutritive and wholesome qualities of oleomargarine.

The Committee on Manufactures of the United States Senate, in a report

dated February 28, 1900, finds, from the evidence before it, "that the product known commercially as oleomargarine is healthful and nutritious."

Judge Hughes, of the Federal court of Virginia, in a decision says: "It is a fact of common knowledge that oleomargarine has been subjected to the severest scientific scrutiny, and has been adopted by every leading government in Europe as well as America for use by their armies and navies. Though not originally invented by us, it is a gift of American enterprise and progressive invention to the world. It has become one of the conspicuous articles of interstate commerce and furnishes a large income to the General Government annually."

Mr. Speaker, I wish to call attention of the House to the men and the great industries who sent their written protests and appeared in person before the subcommittee in opposition to the passage of the Grout bill. They came representing the great live-stock interests of our country. The National Live Stock Association, at their annual meeting in 1900, held at Fort Worth, Tex., passed resolutions against the passage of the Grout bill, and sent a delegation to Washington, who appeared before our committee and presented the memorial. Each one of the great live-stock exchanges sent their petitions and remonstrated against the injustice to the live-stock interests of the country that would be perpetrated by the enactment of such legislation as is proposed by the pending bill.

And men who are engaged in the fattening of cattle and hogs sent their individual protests. Statistics tell us that there were five million cattle slaughtered in the United States during the past year. The average bullock produces about fifty pounds of oleo oil, and the difference between the price of oleo oil and tallow is 4 cents a pound. Now, if there are fifty pounds in the average bullock worth more by 4 cents a pound as oleo than as tallow, there is a net loss of \$2 on each bullock, and if this industry is stamped out of existence there will be a loss to the cattle raisers of this country of \$10,000,000 annually, and there will be a similar loss of \$3,000,000 to the hog raisers of our country, making a loss of \$13,000,000 annually to our live-stock interests.

Mr. TAWNEY. Will the gentleman allow me to ask him a question?

Mr. BAILEY of Kansas. Yes.

Mr. TAWNEY. Do you include in that the 150,000,000 pounds of oleo oil exported abroad?

Mr. BAILEY of Kansas. I do.

Mr. TAWNEY. Why?

Mr. BAILEY of Kansas. I will tell you why.

Mr. TAWNEY. How does this bill affect the oleo exported abroad?

Mr. BAILEY of Kansas. Just in the same way that the exploiting of embalmed beef and decayed canned beef closed the markets of Germany against the products of the great animal industries of this country. To-day, in the American Congress, you propose to take up another by-product and discredit it to the world by putting the seal of national condemnation upon it, and the agrarian feeling on the other side of the Atlantic that closed the markets of Germany against the products of the farms and the ranges will close their markets against oleo oil that we are now exporting.

This is the answer I give to the gentleman. It is true that not all the oleo oil that is manufactured is used in oleomargarine, but is exported; but I insist that the same rule will obtain with regard to this that has obtained as to every other article produced by the farmers of this country against which we have legislated at home. The action of this Congress to-day, if you pass the Grout bill, will give the agrarians of Europe the excuse they so much desire to close their markets against this by-product of the great meat interests of our country.

Now, Mr. Speaker, there is another class of people who are entitled to some consideration at the hands of this Congress when we come to passing such legislation as is proposed by the pending bill. They did not appear before our committee in person, but they exercised that right that belongs to every American citizen, however humble he may be—the right to petition Congress to redress their wrongs. These petitions came from the poorer class of our people, who find in oleomargarine a satisfactory substitute for high-priced butter.

And from labor organizations everywhere petitions have come to members of Congress protesting against the passage of the Grout bill, that would add nearly one-half to the cost of an article of food that is wholesome, nutritious, and that they desire to buy. In this city to-day standard creamery butter is selling at 35 cents per pound, the best grade of oleomargarine at 20 cents, and the oleomargarine is bought by thousands of people who are unable to buy butter at the present prices. And, as a member of the American Congress, I will not be a party to adding 8 cents per pound to an article of food that goes upon the table of the man who earns his bread by the sweat of his brow.

But gentlemen upon the other side say if these people desire oleomargarine they can get it at 1½ cents a pound cheaper under the Grout bill, if they will be content to use it without color. Now, oleomargarine in its uncolored state is as white as the paper I hold in my hand. And it is useless for men to argue that it will be as acceptable to anyone in this state. Our eye largely con-

trols our appetite. Any article that is placed before us that is pleasing to the eye is relished much more than an article equally as wholesome that is unpleasant or offensive to the eye.

And, Mr. Speaker, I believe it is an injustice and a wrong to place the brand of poverty and social ostracism upon an article of food of the poorer class of our people when by so doing you neither conserve their morals or their health. In this connection I wish to introduce the testimony of Dr. Wiley, Chief Chemist of the Department of Agriculture, that bears directly upon this question:

Representative ALLEN. What is the result of your experiments as to digestion?

Dr. WILEY. My impression in regard to the digestibility of butter as compared to oleomargarine is formed from a purely theoretical standpoint, without having tried experiments on human beings and noted the time of digestion, because I do not know that that has been accomplished, and more than that the actual time of digestion is a matter of very little consequence, provided the food is digested. In fact, it is a very good thing that we do not digest all our food instantaneously, because otherwise we would be hungry after one meal before we would get the next. The fact that a food is slow of digestion, like fruit, for instance, is no reason that it is unwholesome. No one would say that meat is necessarily more wholesome than fruit because it is more easily digested. You can digest meat in much less time than you can digest fruit, and yet nobody claims that fruits are unwholesome.

The ACTING CHAIRMAN. You would say, then, that butter is more quickly digested than oleomargarine?

Dr. WILEY. I believe it is more easily digested; that it requires less effort. The CHAIRMAN. You think that is the reasonable inference?

Dr. WILEY. From a chemical study of the composition of butter, it is reasonable to infer that it requires less effort on the part of the vital organs to ferment the butter, and that is the reason why I say that I believe butter is a more digestible substance, more easily digested, more quickly digested than oleomargarine.

Now, the value of a food is measured solely by two standards. First, its palatability, and second, its nutritive properties. You need not try to convince human beings that palatability is not an element in nutrition, because it is, and yet you get a great deal more out of a food if it is palatable in its taste and attractive in its appearance, because the attitude of the digestive organs changes absolutely with the appearance of the food. If you were to put butter up in the form of ink, it might be just as digestible, and all that, and yet it would not be so useful as a food. The appearance of a food has a great deal to do with the attitude of the digestive organs toward it.

A MEMBER. It is simply a reflex action from it?

Dr. WILEY (continuing). Yes; because the mind, the mental attitude, influences the secretion of the ferments which produce the digestion, and hence we must have some regard to that appearance.

Representative WILLIAMS. Have you read this Grout bill?

Dr. WILEY. Yes, sir.

Representative WILLIAMS. Is there anything in the Grout bill which executes the law, from the pure-food standpoint, any better than any existing legislation?

Dr. WILEY. Of course, I am not lawyer enough to give an opinion in respect to that; but what I want to call to your attention on this point is this matter of color.

Now, I am not a Prohibitionist in regard to color. I think if people want to color their food with harmless materials it is perfectly proper that they should do so, provided the purchaser understands in buying a food that he is buying an artificially colored one, and let him be the judge. If he wants the artificially colored article, all right.

I sent out just a few weeks ago into the markets of this town to buy some oleomargarine and butter. I also got a piece of white silk. I took the samples of oleomargarine and butter which I got, took about the amount which one would use in an ordinary meal, and I dyed this silk with the coloring matter which these samples contained. I could not find on the markets of this town a sample of uncolored butter nor of uncolored oleomargarine; but I did find this—that instead of securing uniformity by coloring butter we get the greatest disparity in appearance.

One argument which has been advanced in support of coloring butter is that it is made uniform. But the point is not a good one, because the people who color butter do not color it uniformly. We find the most remarkable variations in color. Some of it is almost red and, on the other hand, there [exhibiting a piece of silk] is a pale yellow, closely resembling the natural tint of butter.

Now, these colors are all coal-tar dyes, every one of them. The vegetable dyes, like annatto, have almost ceased to be used in coloring butter. You may find them in some localities. Some States require that butter be colored with annatto and not with coal-tar dyes, but every one of these is a coal-tar dye, and you will see by the variations in tint (they do not show very well in artificial light) that the amount of color in the samples was very different. The same amount of material was used in each case. Now, compare these two [exhibiting samples]. That [indicating] was a very light-colored sample; this [indicating] was a very heavily colored sample.

Dr. Wiley at this point submitted the following statement:

"COLORING MATTERS USED FOR COLORING BUTTER AND ITS IMITATIONS.

"Annatto, the principal vegetable dye used, is mainly composed of the pulp surrounding the fruit *Bixa orellana*, growing in the East and West Indies and South America. Allen states that two different kinds reach England, namely, the Spanish annatto, imported from Brazil, and the flag or French annatto, which comes from Cayenne.

"Annatto contains two yellow coloring matters which have been given names derived from the botanical names of the plants.

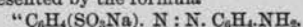
"Bixin, $C_{25}H_{34}O_6$, is one of these, but its properties and chemical relationships have been imperfectly studied. When separated in the form of its soda salt it has a reddish color.

"Oleillin is described as yellow and soluble in water and alcohol. These two coloring matters combined, in annatto, give the substance its characteristic orange-yellow color.

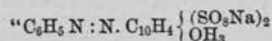
"Coal-tar dyes.—When diazobenzene-sulphonic acid acts on amids, with an alkaline solution of phenols, a series of coloring matters is obtained ranging from yellow to deep orange or red. These dyes are called tropeolins, because the shades of color they produce resemble those of the nasturtium flower (*Tropaeolum majus*). They usually occur in commerce as soda salts, and are distinguished according to their shades, tropeolin Y being the most yellow, and the tropeolin U, O, and so on, as the shades become redder. The shade of the color becomes redder by the substitution of toluene, xylene, or cumene for benzene.

"Two of these dyes which have been used for coloring foods are the acid or fast yellow and the orange yellow or orange G.

"The acid yellow, or the fast yellow, is the soda salt of amido-azobenzene sulphonic acid, represented by the formula



Orange G is sodium salt of benzene—azobetanaphthol-disulphonic acid, having the formula



"This class of dyes is also known as sulphonated-azo dyes.

"Victoria yellow has also been reported as a coloring material for butter. This substance is a mixture of the sodium salts of the dinitro-ortho and dinitro-paracresol $\text{C}_6\text{H}_3(\text{CH}_3)(\text{NO}_2)_2\text{ONa}$."

Representative WILLIAMS. Do you get the colors in these samples from butter?

Dr. WILEY. From butter and oleomargarine, indiscriminately.

Representative HENRY. Are we to understand that aniline dyes are used in coloring oleomargarine and butter?

Dr. WILEY. Yes, sir; almost exclusively.

Representative HENRY. I supposed that annatto was the coloring matter used.

Dr. WILEY. I doubt if you can find a sample of butter in this town colored with annatto.

Representative HENRY. Annatto is used all through the creameries of the North, so far as I know.

Representative WILLIAMS. Perhaps the law in Connecticut requires butter to be colored with annatto.

Dr. WILEY. They use coal-tar dyes in the product sold here.

Representative WILLIAMS. Do you regard the aniline dyes as equally wholesome?

Dr. WILEY. I do not say that coloring your intestines saffron injures your health. The amount of color used in these substances, however, is very small. I do not myself fancy eating artificial colors. I would rather have the good old-fashioned butter, with its natural color, whether deep or light, and I believe that we ought to educate the taste of our people in that way. I believe we are ruining the taste of our people by coloring our butter; and the farther south you go, the deeper the color gets.

Representative HENRY. Pardon me again—do you think these aniline dyes affect the flavor of butter?

Dr. WILEY. No, sir; oh, no. These dyes are absolutely without flavor.

Representative HENRY. Wherein are they unwholesome?

Dr. WILEY. I did not say they were. I said I did not, myself, fancy eating them.

Representative NEVILLE. Do you think the fact that people color butter is any excuse for people being permitted to color oleomargarine, if, as a matter of fact, it results in putting butter and oleomargarine onto people who do not want to eat it in that shape?

Representative BAILEY. Then reverse the question.

Representative NEVILLE. Yes, sir; answer it, and then reverse it?

Dr. WILEY. I believe that every food product should have the same right before the law. I do not see why there should be a distinction.

Representative BAKER. You stated a minute ago that the manufacturer of every food product has the right to make it palatable to the consumer.

Dr. WILEY. And to make it attractive in its taste, provided he tells what is in it—provided he does not injure the health of the consumer.

Representative NEVILLE. You just stated that you would prefer to have butter without coloring?

Dr. WILEY. Yes, sir; I prefer it so, very much, for myself.

Representative NEVILLE. So do I, and I apprehend there are a great many people in the same position.

Dr. WILEY. I prefer it very much; and having been brought up in the dairy industry, and being interested in the subject, I believe we are injuring our dairy industries by permitting the coloring of butter.

Representative HENRY. That has been for years my contention with butter makers—that the dairy interests were injuring their own products by artificial coloring.

Dr. WILEY. Yes; that is my idea, my conviction. You can get uncolored butter in New York; you can go and get it at Delmonico's and some other high-priced restaurants; and the fact that the uncolored butter brings the highest price in the market ought to be an object lesson to our dairymen that they are standing in their own light when they color their butter. Now, if they would let the manufacturers color oleomargarine, and would keep butter at its natural color, there would be no difficulty in discriminating between the two.

Representative BAILEY. Dr. Wiley, let me ask you this question: Do you consider oleomargarine a wholesome article of food?

Dr. WILEY. I do.

Now, Mr. Speaker, this is the testimony which was given before our committee by a man who is at the head of his division in our Government service, whose duty it has been for years to make a scientific study of the question of pure and wholesome food. And why has not the poor man the same right, under the law, to have the articles that go upon his table made as attractive and pleasant to the eye as the articles that go upon the table of his more wealthy and opulent brother? And, again, I ask what right in morals or equity have the makers of butter to demand that the manufacturer of oleomargarine shall be taxed for coloring his product when they reserve the right and do color their product as their fancy or judgment shall dictate?

But, says some gentleman, butter when it is colored is still butter. I grant that; but there are different qualities and standards of butter, and when during the winter months butter is colored, what is the purpose in doing it? Everyone knows it is to give it the tint of June butter, so that it can be sold for something different than it really is; the deception only differs in degree. And in justification of this point I desire to call the attention of the House to what is known as renovated or process butter. Now, to use the argument of the gentleman from Vermont [Mr. GROUT] and the gentleman from Connecticut [Mr. HENRY], this renovated butter is still butter. What is renovated butter? Every man in the country knows that the country store buys little lumps of butter brought in by the housewife and traded for the necessities of the family.

Now, a cleanly housewife will bring in a good quality of butter, while a slovenly housewife brings in a bad quality; but it is all dumped into one barrel and bought at a very low price during the grass months of the year. It makes no difference to the country merchant whether the butter is well made or not, whether it comes from a cleanly woman or slovenly one, the price paid by

the merchant is the same. He pays the same price to Mrs. Smith, who makes good butter, as to Mrs. Jones, who makes bad. It is all dumped into the same barrel and is shipped out and sold to the man in the renovating business for "process butter." I hold in my hand a letter which shows the fraud that is perpetrated on the people in regard to this kind of butter, which I will read:

WICHITA, KANS., November 15, 1900.

DEAR SIR: For about seven months during the year 1900 I was manager of the meat market in this city, which was run in the same building and in connection with the Wichita Creamery Company, both businesses being owned by A. E. Sweet. I am thoroughly familiar, by personal observation, with the process of butter making in the Wichita creamery.

In this institution no cream whatever is used. Country butter is bought in large quantities from grocers, or whoever will ship it, from all stations in this section.

This butter is first sorted as well as possible; it is then melted by steam and colored. In the spring and early summer this melted butter is run into barrels and allowed to stand until such time as butter becomes scarce, when it is remelted and put in the churns.

After this butter is melted it is strained through metal sieves into churns. Ice water is then turned into the churns and the churns started. The object is to wash the butter and to harden it. The water is then drawn off, and buttermilk obtained from the creameries, salt, and crushed ice are put in the churns. The churns are again operated. This process is intended to resalt the butter, give it a butter flavor, and harden it.

After remaining over night in the refrigerator the product is molded into bricks, or otherwise packed for shipment and put on the market. The only real creamery butter sold by the Wichita Creamery Company is what has been bought from other creameries.

This creamery has received as high as 9,000 pounds of country butter per day and has had as high as 150,000 pounds stored in barrels waiting for the second melting.

Very truly, yours,

J. T. WEIGHTMAN.

Hon. W. J. BAILEY, *Baileyville, Kans.*

And still another letter, from a gentleman who worked for the Parker Creamery Company, at Hutchinson, Kans., showing the way this creamery company renovates rancid and stale butter and turns it out as creamery butter:

The Parker Creamery Company receive from 300 to 500 pounds of rancid or stale butter per day. The average the year round would probably be nearer 500 pounds. This butter comes to the creamery in barrels, tubs, and jars, or, in other words, packed in anything that is convenient for the merchant to dump it into. Some of it at times is fair butter, and a part of it is simply stuff that looked as though it would be impossible to cleanse and get it into shape to make it decent even to look at. The butter is first weighed and then dumped into a vat which has a steam connection.

The butter is melted by the steam and is left to stand for five or six hours; then it is siphoned over to two vats placed above the vat in which this butter was first melted, and then strained through a sack. To this butter, as melted, is then added from 3 to 5 pounds of soda, and thoroughly mixed; then ice is added, by which to cool it to the right temperature.

This is drawn off into the churn, in which is fresh buttermilk, then churned until the butter is broke. Then from 3 to 5 gallons of glucose is added and churned for about twenty minutes longer. The buttermilk is drawn off, more glucose added, and then thoroughly worked, rinsed off with fresh water, and salted thoroughly, taken out in tubs, and printed in the same style that they print their separator butter, and put on the market as creamery butter No. 2.

And in this same manner renovating or processing butter is carried on all over our country. At Elgin, Ill., that has grown to be a synonym for pure butter, there is located one of these process creameries.

Hucksters will go out into the country and buy butter from the farmer and country stores, and in the hot, unseasonable weather of summer, when it is in a condition unfit, as judged by the eye, for human food, they bring it in and sell it to these butter factories—the so-called creameries—which will renovate that butter and place it upon the market as "Elgin creamery butter" or "Elgin creamery butter No. 2;" and you and I buy it in the belief that we are buying pure, fresh, sweet butter. And according to the gentleman from Vermont [Mr. GROUT] no fraud is perpetrated, for it is still butter.

I speak of this to show that the Grout bill, while it will protect men who carry on the fraudulent sale of butter, undertakes to suppress, if it can, the business of men who deal in a legitimate article that comes into competition with butter.

I repeat—for this is the keynote of this whole question—that the Grout bill does not close one single avenue of fraud, while the substitute proposed by the minority of the committee will close, as we believe, every possibility of oleomargarine being sold for anything more or less than what it is.

Some of the gentlemen who are defending the Grout bill seem to be very zealous of the welfare and interests of the farmers of our country, and claim that this bill is the outgrowth of a demand for legislation in their interests. Mr. Speaker, I am a farmer myself, a farmer who lives upon and conducts his farm, and I challenge the statement that there is a demand by the farmers of this country for such legislation as is contemplated by this bill. That there is a demand for a law that will prevent the selling of oleomargarine as butter is true, and I join most earnestly in that demand.

The National Dairy Union have exploited the idea that the Grout bill meets this demand. Mr. Speaker, four out of five of the members of the subcommittee before whom the hearings on this bill were taken, after listening to all the testimony, are of the opinion that the Grout bill will not prevent the fraud which is perpetrated by dishonest retail dealers in selling oleomargarine

as butter, and, inspired with an honest purpose to meet the demands of the farmers and dairy people, and in fact all classes of people who believe in fair play and honest competition, drafted what is known as the substitute bill, and for which eight votes were cast in the Committee on Agriculture when the subcommittee made its report to the full committee.

I wish to call the attention of the House to this fact: Every ingredient that enters into the manufacture of oleomargarine is as much a product of the farm as is butter. Oleo oil, which is obtained from the caul fat of the beef; neutral oil, made from the pure leaf lard of the hog, cotton-seed oil, grown upon the farms of the South, salt, and coloring matter are the constituent parts of oleomargarine. Oleo oil, neutral oil, and cotton-seed oil, I repeat, are as much products of the farms of our country as butter itself. I desire at this point to read the reasons given by the minority of the Committee on Agriculture for their support of the substitute bill in opposition to the pending bill, which are as follows:

One of the claims made by the friends of the Grout bill is that it will protect the interests of the farmer. We call attention to the fact that every ingredient that enters into the manufacture of oleomargarine is as much a product of the farm as is butter and that such ingredients are made more valuable on account of their use in the manufacture of oleomargarine.

Your committee has had before it representatives of both the cattle and hog raisers of the country, and also representatives of the cotton industry, and they are unanimous in their opinion that their business will be materially injured and the price of their product lowered by the passage of the Grout bill and the destruction of the oleomargarine industry.

The manufacture and sale of oleomargarine does not interfere with the growth and prosperity of the butter industry. Statistics show a much greater percentage in the increase of the production of butter than in the production of oleomargarine. Though similar in ingredients, they are not strictly competing, as the oleomargarine is practically all bought by the poorer class of our people.

In justification of this statement, we have received a large number of petitions from the labor organizations of our country, protesting against the passage of the bill for the above-given reasons.

It being possible to keep oleomargarine in a sweet and sound condition much longer than butter, it is also used extensively in the mining and lumber camps, on exploring and hunting expeditions, on ships at sea, and by armies in the field.

The claim made by the friends of the Grout bill that the manufacture and sale of oleomargarine has greatly depreciated the price of butter will not obtain when it is known that there is now manufactured in the United States nearly 2,000,000,000 pounds of butter annually, and it is positively known that there were only 83,000,000 pounds of oleomargarine manufactured last year, which shows that the amount of oleomargarine produced is about 4 per cent of the amount of butter produced. Therefore the argument that oleomargarine in any material sense controls the price of butter is not justified by the facts.

The manufacture and sale of oleomargarine have in no way depreciated the price of butter, as more butter is being sold at higher price in this country than ever before, as shown by testimony.

It is a suggestive fact that those sections of our country which are most exclusively devoted to the dairy interests are blessed with the greatest prosperity, as brought out in the testimony of ex-Governor Hoard, of Wisconsin, before our committee, who said that a few years ago land was worth only \$15 an acre in that State, but as the State began to be devoted more exclusively to the dairy interests land had rapidly appreciated in price, and that farmers had gotten out of debt, had paid their mortgages, and the land is now worth the sum of \$80 per acre, this price averaging much higher than agricultural lands in other parts of the country.

In conclusion, the members of the Committee on Agriculture who have joined in this minority report beg to assure the House and the country in the most solemn manner possible that it has been their earnest intention, and is now their determination, to do everything possible to be done to enforce the sale of oleomargarine as oleomargarine and to prevent its sale as butter. To prevent fraud and not to stamp out an industry has been and is our purpose. We believe that it ought to be the sole purpose of all legislation and the sole motive of all just men.

J. W. WADSWORTH.
WM. LORIMER.
W. J. BAILEY.
G. H. WHITE.
JOHN S. WILLIAMS.
J. WM. STOKES.
H. D. ALLEN.

Mr. Speaker, these reasons given by the minority of the Committee on Agriculture give in a concise and clear manner the reasons why the substitute bill should become a law. Pass the substitute bill, and I believe this vexing question will be eliminated from political discussion; pass the Grout bill, and I believe it means the continuation of the embarrassing agitation that has taken the time and attention of Congress for years. The people who make butter ask protection; the people who eat butter ask protection. The people who desire to eat oleomargarine protest against the Grout bill. The farmers and stock raisers object to the discrimination against their products. The substitute bill meets the requirements of all and should become a law. [Loud applause.]

Mr. GROUT. I yield two minutes to the gentleman from Pennsylvania [Mr. SIBLEY].

Mr. SIBLEY. Mr. Speaker, two minutes will not afford anyone a very wide opportunity to discuss the merits of this measure.

I believe that there are in Pennsylvania at least 100,000 dairymen watching to-day the result of our action on this bill. I believe the sentiment is universal with every man living upon a Pennsylvania farm in favor of the passage of this measure; and not alone from Pennsylvania, but from every dairy State in the Union comes up the demand for the passage of the Grout bill. Whether this be an absolutely perfect measure or not I am not

prepared to state; but the fact that it will control or regulate this traffic is evident by the opposition that is called out here on this occasion.

The Agricultural Committee of the Fifty-third Congress had under investigation the adulteration of foods and food products. We found that people were grinding up cocoanut shells and selling the product for pepper. We found that coffee berries were being imitated so closely that the human eye could not distinguish the genuine berry from the imitation. And we proposed legislation for forbidding the imitation of the genuine coffee berry. And when I have heard gentlemen on this side, representatives of the cotton-seed interest, opposing this measure because the cotton-seed product enters into oleomargarine, I am reminded of the reason we could not pass the bill to insure to the people pure coffee, to suppress the imitation of which I have spoken. We could not pass that bill because there was a man over in New Jersey who said that it would hurt his clay bank from which that imitation coffee berry was made.

Mr. GROSVENOR. Mr. Speaker, nothing that I can say will prevent the passage of this bill. We have reached a time in American politics when the greatest number will represent the survival of the fittest, and when the taxing power of the Government is to be used to destroy one industry in the interest of another.

I point out to the House the principle upon which I stand on this question by quoting very briefly from the opinion of the Supreme Court in the case of the Loan Association vs. Topeka, 20 Wallace's United States Reports. I read from the opinion of Mr. Justice Miller:

Of all the powers conferred upon government, that of taxation is most liable to abuse. Given a purpose or object for which taxation may be lawfully used, and the extent of its exercise is in its very nature unlimited. It is true that express limitation on the amount of tax to be levied or the things to be taxed may be imposed by constitution or statute; but in most instances for which taxes are levied, as the support of government, the prosecution of war, the national defense, any limitation is unsafe. The entire resources of the people should, in some instances, be at the disposal of the Government.

The power to tax is therefore the strongest, the most pervading of all the powers of Government, reaching directly or indirectly to all classes of the people. It was said by Chief Justice Marshall, in the case of McCulloch vs. The State of Maryland, that the power to tax is the power to destroy. A striking instance of the truth of the proposition is seen in the fact that the existing tax of 10 per cent imposed by the United States on the circulation of all other banks than the national bank drove out of existence every State bank of circulation within a year or two after its passage. This power can as readily be employed against one class of individuals and in favor of another so as to ruin the one class and give unlimited wealth and prosperity to the other if there is no implied limitation of the uses for which the power may be exercised.

To lay with one hand the power of the Government on the property of the citizen and with the other to bestow it upon favored individuals to aid private enterprises and build up private fortunes is none the less a robbery because it is done under the forms of law and is called taxation. This is not legislation. It is a decree under legislative forms.

We have established, we think, beyond cavil that there can be no lawful tax which is not laid for a public purpose. It may not be easy to draw the line in all cases so as to decide what is a public purpose in this sense and what is not.

It is undoubtedly the duty of the legislature which imposes or authorizes municipalities to impose a tax to see that it is not to be used for purposes of private interest instead of a public use, and the courts can only be justified in interfering when a violation of this principle is clear and the reason for interference cogent. And in deciding whether, in the given case, the object for which the taxes are assessed falls upon the one side or the other of this line, they must be governed mainly by the course and usage of the Government, the objects for which taxes have customarily and by long course of legislation been levied, what objects or purposes have been considered necessary to the support and for the proper use of the government, whether State or municipal. Whatever lawfully pertains to this and is sanctioned by time and the acquiescence of the people, may well be held to belong to the public use and proper for the maintenance of good government, though this may not be the only criterion of rightful taxation.

But in the case before us, in which the towns are authorized to contribute aid by way of taxation to any class of manufacturers, there is no difficulty in holding that this is not such a public purpose as we have been considering. If it be said that a benefit results as to the local public of a town by establishing manufactures, the same may be said of any other business or pursuit which employs capital or labor. The merchant, the mechanic, the innkeeper, the banker, the builder, the steamboat owner, are equally promoters of the public good and equally deserving the aid of the citizens by forced contributions. No line can be drawn in favor of the manufacturer which would not open the coffers of the public Treasury to the importunities of two-thirds of the business men of the city or town.

That is the principle upon which I shall proceed for a few minutes in my opposition to this bill. Step by step this aggressive purpose has been manifested by the introduction of legislation in this House. I was a member of the House when the first oleomargarine bill was introduced. It was presented and pushed at that time by the same dairy association that stands behind this bill; and the sole argument in favor of it was the claim asserted by General Hatch, of Missouri, the president of that association, before the committee of which I was a member—that the manufacture and sale of oleomargarine was deleterious to the public health; that this article contained deleterious ingredients. Long before the hearing before the committee was over General Hatch, with that frankness which always marked his career, backed down wholly and entirely from that proposition, and from that day to this we have never heard a word about the bad character of this article as a food product, but instead we have the argument that the manufacture of this product is tramping on somebody's toes,

and the taxing power of the Government must be brought to bear to destroy a rival industry.

I have voted for these agricultural benefits solidly and steadily all the time, so long as I could apologize to my conscience by saying that the taxation was for some incidental and collateral purpose and not for the purpose inveighed against by the Supreme Court of the United States. So I voted for the oleomargarine bill. I voted for and championed on this floor and made the report in favor of the filled-cheese bill. I supported the mixed-flour bill upon the ground urged by the distinguished gentleman from Minnesota, that the mingling or mixing of that flour was endangering public health.

The legislation of Congress taxing a specific article for the purpose of regulating and controlling its sale because of alleged or supposed infirmity of the character of the article is necessarily in and of itself vicious and inappropriate. It was never intended in the formation of government, either State or national, that the taxing power of the Government should be used in execution of its police power. A government is weak beyond comparison that can not prevent the sale of deleterious articles of food; and I believe now that had the ingenuity and the zeal of the gentlemen who are pushing this oleomargarine bill been applied with half the vigor in the direction of a general revision, organization, and reenactment of the pure-food laws of the country, we might have had a system of laws guaranteeing the people of the United States against the incursion of poisoned food into the stomachs of our people, but there is no zeal on that subject.

The Committee on Agriculture of the House, which improperly by some means secured this bill, which is strictly a revenue bill, strictly belonging to the Committee on Ways and Means, has not worried itself about poisoned pepper, the vile Vermont compounds called maple sirup, the vile sugars coming from the tree manufactures of the States—nothing of that.

It was the Ways and Means Committee that reported the filled-cheese bill and the mixed-flour bill, both of which were justified upon the score of actual adulteration and actual injury to the public health. No zeal has been manifested, so far as I know, in that direction, and this Congress will expire without anything beyond a feeble effort to right the enormous wrongs under which the country is suffering. But an article of food called for, desired, consumed by one-fourth of the people of the United States is set upon upon the specious plea that our people are not smart enough to detect a counterfeit and that the ingenuity of legislation does not rise to the capacity of providing remedies except by the all-pervading power of taxation to destroy this evil.

I know no reason why the taxing power of this Government should be brought to bear to suppress a good commodity, a splendid food product, while there is no sincere and vigorous effort made to suppress deleterious food products. What has been done along this line in this Congress? Ah, Mr. Speaker, the whole movement is unfortunately discolored and tainted by the deliberate purpose manifested to build up one industry at the expense of another. And so, Mr. Speaker, we have gone on, step by step, until there seems to be nothing further and no other avenue by which to apply a correct principle of law, and we are now engaged in a business, confessedly a deliberate business, to destroy an industry producing a product not injurious to public health, but, on the contrary, useful to the people of the country as a food product, and prevent practically its manufacture altogether; a product that is widely sought for by purchasers and consumers of such a commodity in the United States.

We are asked now to destroy the manufacture and sale of it, and thus put money into the pockets of another class of the American people. It is useless for us to deny the fact. It is manifest to all men. It shows for itself plainly in the legislation we propose. It lacks frankness for gentlemen to get up on the floor of the House and say that that is not the purpose, and that there is no such idea in view. The bill itself is so plain that there can be no mistake as to its operation. The bill is one for the benefit of the butter seller, and I would like to know one butter buyer in the United States who favors the bill.

Mr. Speaker, I know of men, or have heard of them, who do not hesitate to buy horses or diseased cattle or sheep and impose them upon the buyers of horses and cattle throughout the country as sound animals. Everybody knows that that condition of things exists. Why not, then, put such a tax as you propose on oleomargarine upon the buyers of horses and cattle and sheep so as to protect other people throughout the country from being imposed upon by diseased or unsound animals? These are sold in the market constantly, day after day. They are sold throughout all the States of the Union. We all know that to be a fact.

Mr. Speaker, this question goes a great deal beyond that. The honest man, of course, will not impose upon his neighbor in that regard. And, fortunately, in this case the honest man manfully comes to the front as a witness in this business, and here is the testimony of a thoroughly honest man regarding this question of manufacture, which I shall insert in my speech.

It will be seen by the testimony throughout, a large portion of which I append to my speech, that the men who came here to prosecute this enterprise boldly announced that they proposed this legislation for the direct and deliberate purpose of destroying the manufacture and sale of oleomargarine. That is to say, they come here to procure legislation that shall put into the hands of the United States authorities a weapon that shall be used to destroy the production of a certain article of food, confessedly nutritious and wholesome, confessedly in great demand among the people, for the sole and simple purpose of grasping the market of the United States in the interest of their own products. Read the testimony. See how they were compelled at last to admit that that was the sole and single purpose they had in view. The argument of fraud has no force with those who understand the facts. It will be seen by a careful examination of the testimony that the ground of their complaint is the aggressive character of this product, which is growing in popularity, crowding in the markets the sale of butter. In all this line of testimony there is not one word said about fraud, except as it affects the sale of butter.

So it may as well be quietly and conscientiously conceded that we are entering for the first time confessedly, openly, and above board upon the work of the extermination of a great food product with the sole and single purpose of the benefit to another industry that will grow out of this legislation.

Now, I ask gentlemen who favor the pending bill, what is the difference between taxing the product itself or making it impossible to manufacture it by legislation? Either proposition would lead to the same constitutional objection. We must confront the question whether the Supreme Court would permit such an enactment to become a law. Is it possible that one industry in the United States with the largest number of beneficiaries in its ranks may come to a legislative body and make it impossible to manufacture an article infinitely valuable to the people as a food product, and not deleterious to the public health, a product that is cheap and desirable in many of the households of the land—I say it is possible that one industry in this country can come here and absolutely destroy the possibility of the manufacture of such a competitor?

We are placed in a very peculiar condition when the legislators of the House of Representatives say to the people of the country that they do not possess ingenuity enough to pass legislation here which would prevent fraud in the sale of one of the most important food products in the country. Thirty-two States in the Union have already authorized laws upon the subject. Some States forbid absolutely the manufacture, I think, altogether, and I believe two have declared it to be unconstitutional, and perhaps the same condition exists in other States. Of that I am not positive.

I was born and raised a farmer and the only property I have amounting to anything, outside of the house in which I live, is farm property. There is not one interest of the farming community of my State or of the United States that is legitimate that I would not honestly support and protect. I have voted in season and out of season for every suggestion of honest legislation and fair protection to the interests of these people. They constitute a great intelligent, patriotic body of men. Nobody estimates them at a higher value than I do, and I would go out of my way at any time to assist them, but I furthermore stand here as a representative of other interests and other people who desire most earnestly that the strong hand of the law shall not be put upon this industry to its destruction. I represent a large class of people who desire to be allowed to buy this commodity. They are perfectly willing that all the stringency that can be invented to protect the buyer and prevent deception shall be enacted, and for it all I have voted and for it all I will continue to vote, but they deny the power of Congress in this behalf.

The gentleman has talked about the pure-food law with regard to the adulteration of pepper. Have we ever taxed adulterated pepper? Have we ever taxed adulterated tea differently from what we have any other kind of tea? Have we ever committed any such violation of legal and constitutional principles as this does? Most assuredly not. This is the first and only time when there could be no dodging the question. I would vote for any degree of regulation, any degree of legislation, any degree of restriction, any degree of punishment that is necessary to prevent frauds upon the consumer of the butter products of this country. If it had to be done in order to protect the people, I would vote to put 10 cents a pound internal-revenue tax upon all kinds of adulterated butter, and if that could be done you would find the markets of this country bare of more than one-third of the butter product.

Who colored this butter first, and where did it come from? The coloring used to-day in the manufacture of oleomargarine was first used by the oleomargarine manufacturers. It was never used by a butter maker until long after the article of oleomargarine came into the market. Then the farmer discovered that he could color his white butter to make it a little more attractive, and he began to adulterate his butter, if it is adulteration, by the

introduction of this annatto coloring that is used by the oleomargarine manufacturer. In the olden times we used to have some coloring of butter made by the use of carrots, and in one way and another, by our mothers and by the manufacturers of butter at home; but it was the oleomargarine manufacturer who first used this coloring matter which has since become a staple article in the State of Vermont, and which is advertised by one of the greatest houses in the State of Vermont, and which is now entering into the commerce of the whole world for the purpose of coloring the cow butter of the country.

I say the principle is absolutely wrong. I represent in Ohio a district composed of a very large body of laboring men. Constantly, from the outset of these discussions, they have opposed the passage of this bill, and they have always put it upon the solid ground that they had a right to buy in the markets of this country a good, pure, healthful food product without the intervention of any legislation of Congress that confessedly will prevent their having the opportunity to do so.

Only yesterday the Federation of Labor, holding its annual convention in the State of Ohio, sent the following telegram to the delegation from Ohio:

NEWARK, OHIO, December 6, 1900.

To the chairman of the Ohio Congressional delegation, Washington, greeting:

The Ohio Federation of Labor in convention assembled passed vigorous resolutions protesting against the passage of the Grout bill taxing oleomargarine, and directed its officers to notify Ohio Congressmen of their action and ask for your cooperation.

JOSEPH A. BAUER, Secretary.

Now, I want to ask gentlemen to bear this suggestion of mine in mind. This bill will doubtless pass and become a law. It will destroy the manufacture and sale of oleomargarine. Butter will, of course, advance about 25 per cent above its present price to the laboring man and to the purchaser. What is to be the next victim? Anthracite coal? Why not? I can muster upon the floor of this House ten representatives of bituminous coal where there is one representative of anthracite. Why not put a tax of \$5 a ton upon the production of anthracite coal? It will benefit the innumerable coal miners—more than 250,000 in the United States.

What is to be the next victim? Coarse-wool sheep, by putting a tax on them, so as to destroy them, because they are too heavy for the small sheep? Why not? What is the difference? One sheep is just as palatable as another. The food of one is just as healthful as another. So is the product of the cow and the oleomargarine factory. The one is as healthful as the other, and in nine cases out of ten the oleomargarine has the advantage.

Mr. BURKE of Texas. Why not tax beet sugar or cane sugar also?

Mr. GROSVENOR. Beet sugar and cane sugar. Why not? Why not put a tax upon the production of beet sugar or cane sugar as you please. What is the difference?

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. GROSVENOR. Mr. Speaker, under the order of the House, I will extend my remarks in the RECORD.

I warn Congress that this is the entering wedge to a system. This is the first time that this character of legislation has been attempted in the United States. There is no doubt whatever that the secret purpose of much of the legislation has been to destroy one industry in the interest of another, but it has never been done in a way openly to bring the question before Congress. The argument was used and had much plausibility in it, that the filled-cheese bill was not intended to destroy the manufacture of filled cheese, but was intended to protect our exporters and domestic consumers from the evils of fraudulent goods; and for that bill I worked with all my might. But Congress has never yet set an example of which this is a legitimate outcome.

I know gentlemen are saying that the tax upon State bank circulation, a law that Congress made in the heat of war and maintained up to the present time, and which exterminated State bank currency from circulation in the country, is on all fours in principle with this. Not by any means. The most casual observer, the most casual thinker, will at once see that he is in error in this regard. That was a law of Congress made in pursuance of its power over the currency of the country, and was made as a legitimate protection to the right and power of Congress to dictate the circulation of the country, and was apologized for, if that is the true name, by a divided Supreme Court, putting the apology upon that ground alone; and if it be true that that law is a license to the Supreme Court of the United States to uphold legislation having no national purpose, but having a sole and direct purpose to manipulate the industrial affairs of the country in the interests of a monopoly, then the sooner the Supreme Court retraces its steps to the solid ground of justice and fair play the better it will be for the country.

A precedent that would uphold this law and make it legal and binding would be the most far-reaching that any law has ever attained in the United States. It would put into Congress the power by legislation to destroy the freedom of work and labor.

Why not? I put it to the gentlemen on the other side and challenge an answer. Why not go to the coal fields of Ohio, Pennsylvania, Indiana, and Illinois, where thousands and tens of thousands of men have been thrown out of employment by the introduction of machines into the mines, and tax those articles of machinery to such an extent that they can not be profitably used? This is a fair and just illustration, bearing in mind that, under the pretense of suppressing a fraud, this bill is confessedly in the interests of one industry against another. Why not go among the farmers of the country? Why may not the laboring men of the country come to Congress—there are eight or ten millions of them—and demand of Congress a law taxing the manufacture of farming implements? Why not? What is the difference in principle, bearing in mind and admitting, as you must admit, that the whole of this legislation has in its purpose a real object to destroy and not to build up?

If anything is lacking to show the character and purpose of this bill and the utter illegality, if not unconstitutionality, of its provisions, the fact that it taxes by a law of Congress one kind of oleomargarine, which is said not to be a competitor of butter and which is put upon the market containing all the ingredients of the other, at a quarter of a cent a pound tax, while the other, with the same ingredients, barring the slight coloring, is charged 10 cents a pound tax, discloses the whole aim, object, and animus of the performance; and now can it be possible that our Government, under our Constitution, which proposes equal and exact justice to all and special privileges to none, can be prostituted to purposes so base as these?

Ex-Governor Hoard, of Wisconsin, says:

Whom do we represent? The united dairy sentiment of the nation. That means over 5,000,000 farmers, and an annual cash value in their product of over \$900,000,000. A vast army of consumers of dairy products, who are constantly duped and swindled by a counterfeit substitute for butter.

Statement of Charles Y. Knight:

My business is that of editor of the Chicago Dairy Produce, a publication devoted to the dairy and butter business. I have for the past three years been secretary of the National Dairymen's Union, an organization of farmers who keep cows, and others engaged in pursuits allied therewith. This organization at present comprises about 30,000 members who are farmers, and they are scattered all over the United States. The organization has for its aim the protection of producers and consumers of dairy products against fraud, and its officers serve absolutely without further compensation than their actual and necessary expenses incurred in the discharge of their duty. No officer has ever received one cent salary, but upon the other hand they have spent hundreds of dollars in expenses while working in the interest of the cause, for which no account has ever been rendered the organization.

I have had charge of the work of organization and the collection of facts regarding the oleomargarine traffic of this country, and it is the enormous illegal and fraudulent growth of the business during the past two years, in face of the best restrictive laws the States have been able to devise, that has brought us to Congress as a last resort to ask for relief.

THE ASSOCIATIONS BELONGING TO THE NATIONAL ASSOCIATION.

Now I want particularly to call the attention of the members of this committee to the list of associations that belong to this national association which met at Fort Worth, and I want to say that every one of these had a good delegation there.

Mr. WILLIAMS. Please just read that list.

(The list referred to was here read by Mr. Cowan, and is as follows:)

Oneida County Wool Growers' Association, Idaho; Colorado Cattle Growers' Association, Colorado; Kansas City Stock Yards Company, Missouri; Union Stock Yards Company, South Omaha, Neb.; Denver Union Stock Yards, Colorado; Pueblo Union Stock Yards, Colorado; Arizona Stock Growers' Association, Arizona; Fort Worth Stock Yards Company, Texas; South Omaha Live Stock Exchange, Nebraska; American Feeders and Breeders' Association, St. Paul, Minn.; Larimer County Stock Growers' Association, Colorado; Cattle Raisers' Association, Texas; Custer County Cattle Growers' Association, Colorado; Stock Feeders' Association, eastern Routt County, Colo.; Sioux City Stock Yards Company, Iowa; Sioux City Live Stock Exchange, Iowa; Live Stock Sanitary Board, Arizona; Saguache Stock Growers' Association, Colorado; Kern County Cattle Growers' Association, California; Western South Dakota Stock Growers' Association, South Dakota; Live Stock Exchange, St. Joseph, Mo.; South St. Joseph Stock Yards Company, Missouri; Utah Wool Growers' Association, Utah; Southern Colorado Stock Growers' Protective Association, Colorado; American Hereford Cattle Breeders' Association, Missouri; Union Stock Yards and Transit Company, Chicago, Ill.; Cattle Sanitary Board, New Mexico; State Veterinary Board, Colorado; Live Stock Association, North Dakota; Fort Collins Sheep Feeders' Association, Colorado; American Short-Horn Breeders' Association, Illinois; Roaring Fork and Eagle River Stock Association, Colorado; Uinta County Wool Growers' Association, Wyoming; Cattle and Horse Protective Association, District 9, Colorado; Elko County Cattle Association, Nevada; American Galloway Breeders' Association, Missouri; North Fork Valley Cattle Growers' Association, Colorado; Park County Cattle Growers' Association, Colorado; Grand and Eagle River Stock Growers' Association, Colorado; San Luis Valley Cattle and Horse Protective Association, Colorado; Lincoln County Cattle Growers' Association, Colorado; Texas Live Stock Association, Texas; Lincoln and Elbert County Wool Growers' Association, Colorado; Kansas City Live Stock Exchange, Missouri; Weld County Live Stock Association, Colorado; Eastern Colorado Stockmen's Association, Colorado; Sheep and Wool Growers' Association, Idaho; Black Range Protective Association, New Mexico; Western Nebraska Stock Growers' Association, Nebraska; State Board of Live Stock Commissioners, Illinois; Board of Trade, Tucson, Ariz.; Chamber of Commerce and Board of Trade, Denver, Colo.; Union Commercial Club, Lincoln, Neb.; Logan County Cattle and Horse Protective Association, Colorado; Snake River Stock Growers' Association, Wyoming; Gunnison County Stock Growers' Association, Colorado; Cincinnati Union Stock Yards Company, Ohio; Colorado Midland Railway Company, Colorado; Colorado and Southern Railway Company, Colorado; Oregon Short Line Railway Company, Utah; Yuma County Cattle Growers' Association, Colorado; Fremont, Elkhorn and Missouri Valley Railroad, Omaha; Rio Grande Western Railway Company, Salt Lake City; American Shropshire Registry Association, Indiana; St. Louis Live Stock Exchange, Illinois; Sheep Sanitary Board, New Mexico; Board of Sheep Commissioners, Wyoming; Oklahoma

Live Stock Association, Oklahoma; American Shetland Pony Club, Indiana; Iowa Improved Stock Breeders' Association; Cincinnati Live Stock Commission Merchants' Association, Ohio; Chicago and Northwestern Railway Company, Illinois; North Park Stock Growers' Association, Colorado; Chicago Live Stock Exchange, Illinois; Pacific Northwest Wool Growers' Association, Oregon; Dominion Short-Horn Breeders' Association, Canada; Fremont County Cattle Growers' Association, Colorado; Crystal River Railroad Company, Colorado; National Association Exhibitors of Live Stock of America, New York; Northern Wyoming Wool Growers' Association, Wyoming; Pecos Valley Railroad, New Mexico; Cincinnati Chamber of Commerce, Ohio; Red Polled Cattle Club, America, Iowa; State Board of Agriculture, Kansas; State Irrigation Association, Utah; Union Pacific Railroad Company, Omaha; State Agricultural College, Wyoming; Saguache County Wool Growers' Association, Colorado; Polled Durham Cattle Club of America, Indiana.

Mr. ALLEN. Were you present at this meeting that passed the resolution that you first read?

Mr. COWAN. Yes, sir; I was.

Mr. ALLEN. Do you know personally the men who were there representing those different breeders' associations?

Mr. COWAN. I know some of them. I knew a good many of the men.

All the cotton-seed-oil interests representing mills in North Carolina, South Carolina, and Georgia, as follows:

Southern Cotton Oil Co., Columbia.
Produce Mills.
Interstate Cotton Oil Co.
Newberry Oil Co.
Laurens Oil and Fertilizer Co.
Union Oil and Manufacturing Co.
Greenwood Oil Co.
Victor Cotton Oil Co.
Woodruff Cotton Oil Co.
Simpsonville Oil Mill.
Easley Oil Mill.
Honea Path Oil Mill.
Ninety-six Oil Co.
Greens Cotton Oil Co.
Coronaca Oil Mill.
Belton Oil Mill.
Liberty Oil Mill.
Atlantic Cotton Oil Co.:
Sumter.
Bennettsville.
Southern Cotton Oil Co., Columbia.
Southern Cotton Oil Co., Barnwell.
Darlington Oil Co.
Dillon Cotton-Seed Oil Co.
Orangeburg Oil Mill.
Florence Oil Mill.
Marion Oil Mill.
Edgefield Manufacturing Co.
Ridge Spring Oil Mill.
St. Matthews Oil Mill.
Chester Oil Mills.
Fairfield Oil and F. Co.
Kathwood Manufacturing Co.

Williamston Oil and F. Co.
Clinton Oil Mill.
Gray Court Oil Mill.
Seneca Oil Mill.
Southern Cotton Oil Co., Savannah.
Saluda Oil Mill.
Campobello Oil Mill.
Excelsior Oil Mill.
Abbeville Oil and F. Co.
Elberton Oil Mill.
Fountain Inn Oil Mill.
Tiger Shoals Oil Mill.
Goldville Oil Mill.
Fair Forest Oil Mill.
Anderson Oil and F. Co.
Lowndesville Oil Mill.
McCormick Oil Mill.
Moneynick Oil Mill.
Charlotte Oil and F. Co.
Concord Cotton Oil Mill.
Davidson Cotton-Seed Oil Mill.
Monroe Oil and F. Co.
Rowland Oil Mill Co.
Laurinburg Oil Co.
Gibson Station Oil Co.
Fayetteville Oil Co.
Selma Oil and F. Co.
Goldsboro Oil Co.
Wilson Oil Co.
Tar River Oil Co.
Edgecomb Oil Co.
Newbern Oil Co.
Weldon Oil Co.

Mr. John McCoy, of Kansas City Live Stock Exchange, says:

There is a bill pending before the House of Representatives, viz, House bill No. 3717, known as the Grout bill, which has been referred to your honorable body, and it is for the purpose of discussing that measure we have asked for a hearing. This bill is aimed at the life of a great commercial industry, that of oleomargarine. We believe it will, if enacted into a law, seriously cripple one with which by comparison both oleomargarine and that of its opponent, butter, pale into insignificance. I refer to the live-stock industry. My associates and myself, representing as we do the second largest live-stock market in the world, a market at which was received, during the year 1899, 5,963,573 head of livestock that had a valuation of \$120,946,439; a market which loans annually from \$20,000,000 to \$30,000,000 to the farmers, feeders, stock growers, and ranchmen to assist them in carrying on their industries; a market that had for its patrons during 1899 the stock raisers of 22 States and Territories, feel that our interests in these measures are of sufficient importance to be our apology for thus trespassing upon the time of the committee.

Opposition to the bill: Lincoln Lodge, No. 445, Brotherhood of Locomotive Firemen, Columbus, Ohio; Central Labor Council of Cincinnati, Ohio; International Bicycle Works, etc., Columbus, Ohio; Union Dairy Company, Cleveland; St. Paul Live Stock Exchange, St. Paul, Minn.

As to character of correspondence in favor of the bill, Mr. Dadie, of Chicago, says:

A vast amount of importance seems to attach itself to the correspondence received by members of Congress from country districts urging the passage of this bill as a protection to the dairy interests. It may be of interest to you gentlemen to know through what channels this correspondence passes before reaching members in Washington. These appeals for protection are compiled and printed by one man in South Water street in Chicago, and mailed by him broadcast to the rural districts throughout the country, with a personal letter asking the party addressed to sign and direct the letter furnished him to his Representative in Congress, and as a reward for his trouble extend to him the hope of a permanent increase in the price of his butter if they are successful in destroying the oleomargarine industry.

OBJECTS OF THE MEASURE.

Hoard says:

The consumers and producers of butter ask Congress to enact into law House bill 3717, which provides by the first section that all counterfeit substitutes for butter, when taken into any State or Territory, shall be subject to the laws of that State or Territory concerning such counterfeit, the same as the Wilson law in regard to liquors, enacted, I think, in 1891. It was deemed for the public welfare to enact that law. We claim it is for the public welfare to place oleomargarine under the operation of a similar law.

Charles Y. Knight, editor of the Chicago Dairy Produce, and the most active single person advocating this bill, says:

WHY THE 10-CENT TAX ON COLORED OLEOMARGARINE?

We expect to show to the satisfaction of Congress that national legislation of the character embraced in H. R. 3717, known as the Grout bill, with its 10-cent tax provision, is absolutely essential to prevent the almost absolute destruction of an industry bringing to the agriculturists of this country fully \$500,000,000 per year.

First. Because oleomargarine, when made in exact imitation in package and color of butter, is an ideal counterfeit, furnishing a commodity which can be readily, and in nine cases out of ten with safety, palmed off upon the known but unskilled consumer as butter at butter prices, as only a chemical analysis will, with a degree of certainty necessary in evidence, establish the identity of the substitute.

Second. Because the large profit resulting from the sale of oleomargarine as butter in itself furnishes incentive to practice fraud and means of protection in case of detection, and to-day, with the traffic aggregating close to 100,000,000 pounds per year, the sum collected through the assessment of even a fraction of a cent per pound as a fund for defense is sufficiently large, when judiciously expended through organized channels, to render prosecutions so expensive that in many of the States the courts have scarcely the capacity to handle offenders, so numerous have they become under the persistent and aggressive solicitation of the wealthy manufacturers.

Mr. Davis, of Philadelphia, in his testimony admits that incidentally the purport of the bill is to drive colored oleomargarine out of the market:

Mr. LORIMER. You say that if this tax is put on oleomargarine then there will be no sale of it in competition with butter?

Mr. DAVIS. That is about it. They can not sell it.

Mr. LORIMER. You mean to say they can not sell it in competition. They can sell it if anybody buys it. Would not that virtually mean the driving of colored oleomargarine out of the market as a matter of trade?

Mr. DAVIS. That might be incidental to the operation of the law.

Mr. LORIMER. If they can not pay this 10 cents tax, would that not drive it out of the market?

Mr. DAVIS. Not necessarily.

Mr. LORIMER. You do not believe it would interfere with the sale of it?

Mr. DAVIS. I do.

Mr. LORIMER. Is it not the intention of many who favor the passage of this bill to drive colored oleomargarine out of the market?

Mr. DAVIS. The object, as I take it, of the men interested in this is to prevent illegal competition with butter—to protect the law-abiding people. In Philadelphia we believe that 90 per cent of this traffic is done illegally. Of course that operates to the disadvantage of people who do business in a proper way. For instance, I am alongside of a man selling oleomargarine for butter, and he makes an enormous profit, whereas the butter seller makes only a legitimate profit.

Mr. LORIMER. You say you think the passage of this bill will prevent dealing illegally. If you have a tax of 10 cents, how will that prevent the illegal traffic in your city?

Mr. DAVIS. There would be less inducement offered. It would be that much accomplished. Everything helps for the protection of the dealer who is law abiding.

Mr. LORIMER. Is not the object to drive colored oleomargarine out of the market?

Mr. DAVIS. We want to prevent this illegal traffic which operates to the injury of the law-abiding people who are doing a legitimate business.

Mr. LORIMER. The reason I am asking this question is because a gentleman who appeared before the committee a week ago to-day said it is the desire of the butter men to drive oleomargarine out of the market—that they want to drive the oleomargarine manufacturer out of business. I wanted to find out whether or not that sentiment prevails over the country.

Mr. DAVIS. If driving it out would be incidental to the operation of this law, then oleomargarine would have to be sold upon its merits.

Mr. LORIMER. In its white state?

Mr. DAVIS. Yes, sir.

INJURE OUR TRADE ABROAD.

Mr. LAVERY. Foreign countries, and especially Germany, are watching for every opportunity to legislate against the entrance of American meats and by-products, and if our own Congress should pass a law which would practically kill the oleo industry in this country, we have no reason to believe that Germany and other European countries would not take similar action and prohibit the entrance into their country of oleo oil and such materials as we have legislated against ourselves; and such action would therefore kill, or at least greatly injure, the export oleo-oil business.

Amount of production of oleomargarine.

Amount of oleomargarine produced in the United States in—	Pounds.
1888	21,513,573
1893	83,145,081

Mr. J. A. Hake, a live-stock dealer, says:

The butterine business of 1890 was 2.6 per cent of the total amount of butter made in the United States. These figures are taken from the records of the Bureau of Internal Revenue and the Agricultural Department. For the year ending June 30, 1899, there were 83,000,000 pounds of butterine manufactured in the United States, and, according to the estimate of Mr. Wilson, editor of the Elgin Dairy Report, Elgin, Ill., there were something over 3,000,000,000 pounds of butter made in the United States for that year. Figuring on this basis, the amount of butterine manufactured, as compared with the amount of butter made, is 2½ per cent, showing that the make of butterine has decreased, in comparison to the make of butter, in the past ten years to the extent of one-tenth of 1 per cent. The Government received, for the year ending June 30, 1899, about \$2,000,000 from tax and license on butterine.

INGREDIENTS OF OLEOMARGARINE AND OF BUTTER.

Dr. Crampton, chemist, Internal Revenue Bureau, says:

Representative WILSON. I would like to ask Dr. Crampton just one more question. I want to know, Doctor (if you know), what is the difference between butter and oleomargarine, so far as the chemical elements which enter into each are concerned?

Dr. CRAMPTON. They are very much the same, with the exception of the small amount of what are called the volatile or soluble fatty acids, which enter into butter and which do not enter into oleomargarine. The great bulk of the fat is of the same composition, chemically speaking; they are both glycerides. Of course, these volatile, fatty acids are very important, however; they give butter its flavor and taste, the pleasant "bouquet," you might say; and that is very important. There is no question about that.

Mr. Miller, of Kansas City, Kans., representing Armour & Co., says:

Butterine is wholesome, nutritious, and palatable. There is no secret whatever about the process of manufacture. Our factory is open to the public at all times. This product is composed of the following ingredients: Oleo oil (made from choice fats of the beef), neutral lard (or the leaf lard of the hog), refined cotton-seed oil, milk, cream, salt, and butter.

We have never had a pound of paraffin in our factory, and we do not desire stearin.

THE INGREDIENTS OF OLEOMARGARINE.

In their statement Swift & Co. have the following to say regarding the ingredients of oleomargarine:

Second. Oleomargarine is an absolutely pure and healthful product. It contains the following ingredients:

1. Oleo oil: A selected fat from beef that is obtained from the caul fat. This is the principal ingredient. This fat is thoroughly washed, thrown into a vat of ice water to remove the animal heat, then thoroughly cooked, cooled, and put into hydraulic presses, by which the oil is extracted, the residue being commercially known as stearin.

2. Neutral: This is the leaf lard of the pig. The leaf fat when taken out of the animal is thoroughly washed and put into a refrigerator, where it remains twenty-four hours. It is then thoroughly cooked. It is absolutely without color, being snow white, and has neither taste nor odor. Both pigs and cattle are examined by Government inspectors before and after killing, thereby insuring protection against disease. England, France, Germany, Holland, and many other foreign countries where oleomargarine is manufactured more extensively than in the United States, depend entirely upon American manufacturers for oleo oil and neutral.

3. Cotton-seed oil: This ingredient is not always used; it is used in limited quantities in the medium grade. The oil is extracted from selected cotton seed and then highly refined. It is a pure, sweet product, and is used quite generally for cooking purposes. Prominent chemists have asserted that it has the same qualities as and is equally digestible with the best of olive oil.

4. Milk.

5. Salt.

Mr. LAVERY. I stated that oleomargarine consists of four principal ingredients—oleo oil, neutral lard, milk and cream, and cotton-seed oil. Now, of those four ingredients cotton-seed oil comprises about 25 per cent. Of course we add salt and coloring matter.

HEALTHFULNESS OF OLEOMARGARINE AND CLEANLINESS OF ITS PRODUCTION.

Mr. Kimball, of Philadelphia, representing the butter sellers, in his testimony says:

If this Grout bill prevails, then oleomargarine, if it is a good thing, and we admit it is a good thing, will be sold at a price to reach the poor man, and it is intended to reach him, and the legitimate butter will sell at a price which the people are willing to pay for it. It will do away with the practice of deceiving the customer who goes into a store and asks for a pound of butter and gets a pound of oleomargarine.

Again:

Mr. ALLEN. Since the sale of oleomargarine has increased has the death rate of the city increased?

Mr. KIMBALL. We do not know that there is anything unhealthful in oleomargarine.

A Mr. Davis, who was with Mr. Kimball, also stated:

Mr. WHITE. What has been your observation with reference to the healthfulness of this oleomargarine product?

Mr. DAVIS. I do not know that there is any evidence as to its injurious effect upon consumers. That is a subordinate matter.

In concluding his testimony Kimball says:

Mr. LORIMER. I understand you are willing to have oleomargarine shipped in and sold in its natural state?

Mr. KIMBALL. Yes; I believe it is healthful. It is a good thing for the poor man, but it should be sold on its merits. Where it is sold as butter there is a profit of 15 cents a pound on it.

Upon the other hand, Mr. Hoard intimates that oleomargarine is unhealthy.

Is oleomargarine a healthful food? There is no way to determine this question except by actual trial; not for a day, or a week, or a month, but for several successive months, and not with strong, robust men, with plenty of outdoor exercise.

Chemistry can not answer. For example, the chemist will tell you that he finds the same elements in swamp peat that are found in the grasses and hays that are fed to our cows, and in approximately the same proportion. And the chemist is at a loss to determine from the standpoint of his science why cattle should not feed on swamp peat. Chemistry can not determine whether any particular substance is poisonous or not. It must take a stomach to do that.

There is no credible evidence to show that oleomargarine is innocuous; no evidence to show that when eaten continuously in place of butter it is not harmful. But there are reports in great abundance to the effect that oleomargarine is harmful.

It is shown that 32 States have anti-color laws, but each one of those States allows oleomargarine, uncolored, to be sold. They do not forbid its sale because of unwholesomeness or deleteriousness, but simply because it may, if colored, be sold as butter from milk or cream.

NO GERMS IN MANUFACTURE.

We claim that it is absolutely impossible for germ life to exist in our oleomargarine factory, and we want the public to come and see for themselves. These are the reasons the oleomargarine business is growing, and not that this product is palmed off on innocent purchasers for butter.

Mr. Aldredge submitted the following as chemical testimony:

This is from Prof. W. O. Atwater, director of the United States Government agricultural experiment station, Washington, D. C.

"Butterine is perfectly wholesome and healthy and has a high nutritive value. The same entirely favorable opinion I find expressed by the most prominent European authorities, English, French, and German. It contains essentially the same ingredients as natural butter from cow's milk. It is perfectly wholesome and healthy and has a high nutritive value."

The other is from Prof. Harvey W. Wiley, Chief Chemist of the United States Department of Agriculture:

"There can be no reasonable objection to the use of oleomargarine. It is clean, wholesome, and digestible. When it is to be kept for a long time before use, as on shipboard, or in distant mining camps"—

And he might have said, in the Army—

"It is preferable to butter, because it has but little tendency to become rancid. For similar reasons, there can be no possible objection to the use of cotton-seed oil as a substitute for lard, or when mixed with lard."

Now, here are certificates from the greatest chemists in America and Europe outside of the ones that I have read; but I will not take up your time with reading them.

Representative WILLIAMS. Just hand them, if you please, to the stenographer, so that they may be made a part of the record.

(The certificates above referred to by the witness are as follows:)

Prof. G. C. Caldwell, of Cornell University, says:

"The process for making butterine, when properly conducted, is cleanly throughout, free from animal tissue or other impurities, and consists of pure fat, made up of the fats commonly known as lard and margarine. It possesses no qualities whatever that can make it in the least degree unwholesome."

Prof. Paul Schweitzer, Ph. D., LL. D., professor of chemistry, Missouri State University, says:

"As a result of my examination, made both with the microscope and the delicate chemical tests applicable to such cases, I pronounce butterine to be wholly and unequivocally free from any deleterious or in the least objectionable substances. Carefully made physiological experiments reveal no difference whatever in the palatability and digestibility between butterine and butter."

Dr. Adolph Jolles, of Vienna, from address before section 7 of the International Hygienic Congress, at Budapest, says:

"As regards nutritive value, pure butterine or oleomargarine is as digestible and nutritious as pure butter."

Prof. George F. Barker, of the University of Pennsylvania:

"Butterine is, in my opinion, quite as valuable as a nutritive agent as butter itself. It is perfectly wholesome and is desirable as an article of food. I can see no reason why butterine should not be an entirely satisfactory equivalent for ordinary butter, whether considered from the physiological or commercial standpoint."

Prof. S. W. Johnson, director of the Connecticut Agricultural Experiment Station, and professor of agricultural chemistry at Yale College, New Haven, says:

"It is a product that is entirely attractive and wholesome as food, and one that is for all ordinary and culinary purposes the full equivalent of good butter made from cream. I regard the manufacture of oleomargarine as a legitimate and beneficial industry."

Dr. A. G. Stockwell, who needs no introduction, says in the Scientific American:

"In everyday life butter is very essential. Its free use by sufferers from wasting diseases is to be encouraged to the utmost. Considering the foregoing, it seems strange that oleomargarine has not been thought of as a palatable and suitable article of diet for those suffering from wasting diseases."

"It is free from all objections. As a matter of fact, it is a better and purer butter than nine-tenths of the dairy product that is marketed, and one that is far more easily preserved. There are a large number who imagine oleomargarine is made from any old scraps of grease, regardless of age or cleanliness. The reverse is the fact. Good oleo can only be had by employing the very best and freshest of fat. This artificial butter is as purely wholesome (and perhaps even better as food) as the best dairy or creamery product."

Jolles and Winkler, the official chemists of the Austrian Government, after thorough investigation of butterine, reported:

"The only germs found in 'oleo' are those common to air and water. Although carefully searched for, tubercular bacilli and other obnoxious bacilli were conspicuous by their absence."

HEALTHFULNESS, ETC., OF OLEOMARGARINE.

Mr. John S. Hobbs, editor of the National Provisioner, of New York and Chicago, says:

After a thorough personal inspection of the Government licensed and Government inspected butterine factories, some of these inspections made in company with our chief food chemist and expert, and all of them made without any knowledge of the oleomargarine people that I was coming, I find the following a summary of them all.

Of course the formulas change, but only as to proportions of the same ingredients, and the temperatures vary a few degrees, according to the experience of the particular factory making the variation. There is no material difference. I quote from my memoranda:

The oleomargarine is made up of a mixture of—

	Per cent.
Cotton-seed oil	15 to 25
Neutral lard	20 to 35
Oleo oil	20 to 25
Butter	20 to 35

This formula changes in the same factory slightly with the varying temperatures of the seasons.

THE ORIGIN OF THE INGREDIENTS.

The healthfulness of the ingredients which go into butterine and the product itself is better understood when it is known whence and how these parts of the product come.

Neutral lard is a swine oil made from the leaf fat of Government-inspected animals. It is the richest, cleanest, and finest fat of the hog. Being a hog product, it might from religious scruples be objected to by the orthodox Jew, just as he would from scruples of conscience object to the whole hog and all his connections.

Oleo oil is made from the caul fat of prime hand-fed Government-inspected beeves. It is the best oil which comes from the bovine species.

Butter oil, or that grade of cotton-seed oil which is so known because of its extra prime quality, is made from a certain grade of cotton seed, gathered and selected at a certain stage of the cotton crop. They must be well matured or butter oil will not result. It is the finest and dearest of the grades of cotton oil. The butterine maker might desire to use a cheaper oil, but no other quality can be used. To attempt it would be to ruin his product. The above grades of the above ingredients must be employed; no other will mix perfectly. These ingredients are perfectly healthful and very nutritious. Neutral lard has neither taste nor smell. The same may be said of butter and oleo oils; such is virtually true.

Butter, of course, comes from dairy cream. It is the other ingredient, and is pasteurized because not from Government-inspected stock, and to kill the germs which are well known to generally exist in milk from the dairy.

The neutral lard is melted at about 160° F.; the oleo oil 160°; the cream is sterilized at 170°.

Most factories buy their neutral lard ready for mixing. When it is not so bought it is made as follows:

1. The fresh lard fat is hashed; that is, cut up for cooking the oil out.
2. The pieces go into a rendering kettle, where the oil is cooked out at a temperature of about 170°. This temperature destroys all germs, if any remain in a Government-inspected hog.
3. The oil is then drawn off through fine hair-mesh sieves into receiving tanks, where it is cooled down to about 110° F. for churning.
4. From the tanks this neutral is taken in its proportion to the butterine churn, where it becomes one of the ingredients of the oleomargarine.

Most factories buy their oleo oil ready for mixing in the churn. Where this is not done, the oil is made as follows:

1. The caul-fat of prime hand-fed beef purchased. No other grade of fat will do for this extra prime oleo oil.
2. The fat is then hashed for cooking. The oil is cooked out at a temperature of about 170° F.

3. The oil is next drawn off through a thin, hair-mesh wire screen into tanks, where it is cooled down to a lower temperature.

4. Thence it goes into a room which is kept above 90° F., where it remains about twenty-four hours.

5. The oil is then pressed to separate the stearin from it.

6. The oleo oil then goes into the churn as the oleo ingredient of oleomargarine.

The butter oil joins these as the cotton-seed oil ingredient of the forming product.

The cream is obtained, of course, from milk bought of the dairy farmers. Very few butterine factories use less than 3,500 quarts per day, and some as high as 14,000 quarts daily. When the milk reaches the factory, it takes the following course to the margarine churn:

1. The milk is dumped from the dairy can into a factory receiving can, where it is tested for conditions of sweetness, etc.

2. It is then pumped into an open, zinc-lined vat.

3. From this vat it runs into a zinc-lined, copper cooling trough, where it is brought to a temperature of about 80° F.

4. It then goes into a separator, which revolves at about 4,000 and throws out the milk from it. The bulk of the cream filth is dropped into a trough.

5. The cream then goes to the pasteurizer to be sterilized. The skim milk runs through chilling coils which cool it down to about 40° F. by the time it reaches the cans that receive and hold it for disposal to farmers and others. The cream is pasteurized at about 170° F.

6. From the pasteurizer the cream goes to a can which is placed in ice water to keep it at a temperature of 34° to 35° F.

7. From this ice-water tank it is taken to the churn room on an upper floor.

8. Where it is ripened at a temperature slightly above 70° F. for the churn. This ripening process takes about thirty hours, more or less, according to the season.

9. When properly ripened the cream also goes into the butterine churn as an ingredient of oleomargarine.

This completes the parts which go to make the product called oleomargarine or butterine. The "butter color" is also added now, and the whole is churned into one homogeneous mass. This is completed in about eight minutes.

THE FINISHED PRODUCT.

After leaving the churn the mass is run into vats of water, at the bottom of which are anchored cakes of ice to keep the temperature down to about 35° F. The butterine is left in this ice bath about ten minutes to set it.

This is found in the *National Provisioner*, in an editorial entitled "The care of butterine," of December 23, 1899:

Our own laboratory experiments, covering hundreds of samples, show that the ordinary melting point of butter is 89° F. The exhaustive experiments of A. Winter Blyth confirm our own conclusions. With our chemist, Blyth also says that butterine melts at 79° F. The "Clover Hill" brand of butter, one of the finest dairy products in the market, has a melting point slightly over 91° F. While the ordinary melting point of butter is found to be 89° F., an average of a large number of samples from certain creamery districts where a certain class of feed was used showed an average melting point of 93.5° F., or only 2° F. lower than the heat of the stomach.

The results from an examination by us of 33 samples of genuine butter, taken from a large dairy area, gave melting points as follows: The highest was 90° F. The lowest melting point observed was 84°. The average was 90° F.

The melting point of margarine itself is 88.5° F. The results of the examination of 15 samples of oleomargarine by Benedikt & Lewkowsitch, the highest authorities in the world, were as follows: Highest melting point, 81° F.; lowest melting point, 74° F.; average melting point, 77° F. An examination of a 10-pound commercial bucket of the Armour Packing Company's Silver Churn Butterine, one of Swift & Co.'s Premium brand of butterine, and a similar-sized package of butterine made by the G. H. Hammond Packing Company showed the following results:

"Silver Churn," melting point 91.8° F., contains no paraffin; Hammond, melting point 94° F., contains no paraffin; Swift's "Premium" brand melts at a little above 94° F., contains no paraffin. All melt below the normal temperature of the stomach.

These concerns make the greater part of the oleomargarine or butterine now in the market in this country. The statement, then, that butterine's melting point is over 102° F. is unfounded and untrue. The statement made by J. F. Geisler, of New York, that butterine contains 10 per cent of paraffin is contrary to facts.

COLORING OF OLEOMARGARINE AND BUTTER: ITS PURPOSES.

Ex-Governor Hoard charges, without any proof, that—

A great many people ask why it is not as permissible to color oleomargarine as it is to color butter. I would answer because they are not colored for the same purpose. Butter in winter is too light to suit the taste of most consumers. The highest value is in fresh butter not more than ten days old. The consumer asks that it bear the yellow summer color of butter. That is a matter of taste, not deception, for it is not colored to resemble something it is not. But oleomargarine is colored to make it resemble butter, which it is not. It is colored, not for the benefit or taste of its consumer, but to deceive the consumer.

Mr. John Dadie, representing W. J. Moxley Corporation, an oleomargarine manufacturer of Chicago, testified:

Now, as to color; it is a well-known fact that large dealers in butter or oleomargarine will display and sell goods of different colors, and they find it necessary to do so in order to suit the requirements of their different customers. Then, too, some particular district will use an article that could not be sold in another market by reason of its being too high or too light in color to properly appeal to the consumer's taste. For example, the markets of the South, notably in St. Louis and New Orleans, order what is known to the trade as an orange or brick color, and it is popular with certain people in those districts, while in other sections of the country it could not be sold at all, as a different shade of color is demanded, and the concern who issued the color card referred to, recognizing the importance of every detail of its business, did so for the purpose of avoiding confusion by supplying its customers with goods that would suit in color the requirements of their trade. There is no deception practiced or intended, nor could there be, as the internal-revenue law and regulations apply to all our product regardless of the amount of color used.

Mr. John S. Hobbs, editor of the *National Provisioner*, of New York and Chicago, testified:

Housewives know that oleomargarine is colored. They do not know that butter is artificially colored. On the contrary, they believe that real rich creamery butter is sold in its natural color, and that the complexion of it as seen in the tub is that given to it by the cream of the cow. I ascertained the truth of this for myself in New York City. I interviewed more than 300

housewives in that city on their reasons for purchasing butter of such and such color. All but 8 of them purchased butter of certain colors because they thought that hue was given the substance by the natural richness of the cream; these generally purchased butter of lighter color because they feared that the others were artificially colored.

Thus in no instance did a grocery shopper buy a butter which she thought was artificially colored. Yet all of these butters were artificial in color. Was the woman in each case deceived? Butterine is the same quality, whether colored or not. That is not true of butter when a 60 per cent tal-lowy white stuff goes masquerading under the color of a 100 per cent pure article selling at the same price. If the light-buff summer product—its natural color—were placed alongside of the white winter wax on the same counter the housewife would severely let the poor white stuff alone. Yet some people ask Congress to tax a pure and a wholesome product that the dairies might get higher prices for their deceptions.

Mr. C. N. Lavery, of Kansas City, Kans., representing Swift & Co., says:

We claim the same right to color oleomargarine yellow that a creamery claims to color butter, and most respectfully ask this committee not to vote to prohibit the use of a harmless coloring in one in favor of the other. We claim that oleomargarine is not an imitation of butter, but that it is recognized "in the exact form it has always been sold" by the United States Government as a separate and distinct article of commerce, and that through public use it is acknowledged to be at the present time a staple article of food.

It is a well-known fact that the manufacturer of oleomargarine first conceived the idea of giving to his product a uniform color and thereby rendering it more pleasing to the eye by the use of a harmless coloring. The creameries throughout the country, taking advantage of the idea suggested, adopted the same color as their standard. They found it improved the appearance of butter as well as of oleomargarine. Now these same creameries come before Congress and ask to have a law enacted to force the manufacturer of oleomargarine to abolish the use of coloring, claiming that they have the exclusive right to its use.

A prominent dairy authority writes:

"The manufacture of oleomargarine is as legitimate as that of butter. It suppresses the lower grades of butter and makes the finer butter more sought after. There is nothing for the dairyman to fear in it; his safety can be insured by improving the quality of his butter. The trade in oleomargarine might safely be left to itself. It is a blessing to the community to supply it, at a low price, a clean, sweet substitute for costly butter."

It will be seen that there are yet some people in the butter business who are willing to admit that the manufacture and sale of oleomargarine is legitimate, and a separate and distinct business, and not maintained for the purpose of antagonizing the dairy interests of the country.

We make oleomargarine because the people demand it. We color it yellow because it has always been sold that way.

Mr. W. E. Miller, esq., representing Armour & Co., Kansas City, Kans., says:

Representative BAILEY. I will say to the committee that Mr. Miller is the expert who has control of the butterine factory of Armour & Co. at Kansas City.

Mr. MILLER. Mr. Chairman and members of this committee, no manufactured article has been so grossly misrepresented and abused as the product known as "butterine" or "oleomargarine," and the first point we wish to make is that butterine is not an imitation.

Butterine possesses merit, and it is not necessary to imitate another article in order to sell it. This product has a separate and distinct value commercially, and is not confused with butter in the mind of the housewife.

The first butterine manufactured was of very high color, while butter at that time was almost universally sold in its natural state. The dairymen were quick to see that the high color pleased the public, and they immediately commenced to color their product also. We have taken the aggressive at all times. The progressive butterine manufacturers conceived the idea of new shape rolls, brick, and prints, and also attractive packages, which appealed to the eye of the buyer. We have had many prominent dairymen, acknowledge that the butterine manufacturers discount them when it comes to attractive appearance of their product in packages.

Butterine has a great deal of merit. People know what they are buying, and call for it. On pages 7 and 9 of the report of the committee appointed by the Senate to investigate pure food we read the following:

I will not read all that I intended to read, on account of the lateness of the hour. This is a summary of their report:

"In regard to butterine or oleomargarine, it is not claimed by any of the witnesses before your committee that it is in any way deleterious to public health. On the contrary, all expert evidence upon the point strongly confirms the testimony of the manufacturers of this article to the effect that it is a healthful food product."

As regards the much discussed question of color, I would say that we use exactly the same as that sold to a majority of all the creameries in the West and in about the same proportion. In order to sell our product we must color it now the same as we did when we commenced its manufacture. If we had started out using no coloring whatever we would doubtless have had as large a business established on uncolored to-day as we have on colored butterine. However, as the trade have become accustomed to colored goods, we could not at this late hour get them accustomed to the uncolored product. In fact, we have attempted to sell uncolored butterine in a number of prohibitive States, but it has proved a rank failure.

I will say just here that in case this Grout bill is passed, it will kill the industry. The uncolored product will not sell. We have tried it in a number of prohibitive States, and, as I say, it has proved a failure in each instance.

Why should color be prohibited from butterine and not from butter? The same color is used in similar quantities in both articles. If it is undesirable in one, why is it not undesirable in the other?

Dr. Wiley, Chief Chemist of the United States Department of Agriculture, submitted the following statement:

COLORING MATTER USED FOR COLORING BUTTER AND ITS IMITATIONS.

Anatto, the principal vegetable dye used, is mainly composed of the pulp surrounding the fruit *Bixa orellana* growing in the East and West Indies and South America. Allen states that two different kinds reach England, namely, the Spanish annatto, imported from Brazil, and the flag or French annatto, which comes from Cayenne.

Anatto contains two yellow coloring matters which have been given names derived from the botanical names of the plants.

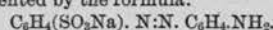
Bixin, $C_{22}H_{34}O_6$, is one of these, but its properties and chemical relationships have been imperfectly studied. When separated in the form of its soda salt it has a reddish color.

Oleillin is described as yellow and soluble in water and alcohol. These two coloring matters combined, in annatto, give the substance its characteristic orange-yellow color.

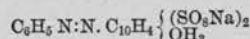
Coal-tar dyes.—When diazobenzene-sulphonic acid acts on amids, with an alkaline solution of phenols, a series of coloring matters is obtained ranging from yellow to deep orange or red. These dyes are called tropæolins, because the shades of color they produce resemble those of the nasturtium flower (*Tropæolum majus*). They usually occur in commerce as soda salts and are distinguished according to their shades, tropæolin Y, being the most yellow, and the tropæolin O, 00, and so on, as the shades become redder. The shade of the color becomes redder by the substitution of toluene, xylene, or cumene for benzene.

Two of these dyes which have been used for coloring foods are the acid or fast yellow and the orange yellow or orange G.

The acid yellow, or the fast yellow, is the soda salt of amido-azobenzene sulphonic acid, represented by the formula:



Orange G is sodium salt of benzene-azobetanaphthol-disulphonic acid, having the formula:



This class of dyes is also known as sulphonated-azo dyes.

Victoria yellow has also been reported as a coloring material for butter. This substance is a mixture of the sodium salts of the dinitro-ortho and dinitro-para-cresol $\text{C}_6\text{H}_3(\text{CH}_3)(\text{NO}_2)_2 \cdot \text{ONa}$.

AS TO PRIORITY OF COLORING.

Representative NEVILLE. You think that is what they think they are getting. Now, I would like to ask you another question or two. You state that you are the originators of the process of coloring matter in oleomargarine, and that you used it prior to any color having been used in butter. Do you mean to assert that as a fact?

Mr. DADIE. I am talking about a commercial product. Everybody knows that on a farm, before oleomargarine was ever invented, the people used to grate carrots and use other things to color their butter. But it is a fact that butter has not been colored to any extent until after oleomargarine was manufactured and colored, and that the introduction of color is the result of the introduction of oleomargarine as an article of commerce.

Figures as to the money value directly and indirectly interested in the production of oleomargarine, as compiled from the testimony before the House Committee on Agriculture.

Texas Cattle Raisers' Association, cattle valued at..... \$100,000,000
St. Joseph Live Stock Exchange do an annual business aggregating 50,000,000

Mr. Oliver says in reference to the cotton-seed oil interests:

Amount in plant..... \$50,000,000
Capital to conduct business..... 50,000,000
There has been paid this season, 1900, to—
Cotton producers..... \$40,000,000
Railroads for hauling..... 15,000,000
Laborers..... 10,000,000

A grand total of..... 65,000,000

Mr. John C. McCoy, of Kansas City, says:

From January 1, 1899, to January 1, 1900, we slaughtered 991,783 head of cattle, which produced 49,589,150 pounds of oleo oil, worth to-day 10 cents per pound, or 4 cents per pound more than if sold as tallow, and valued at \$4,958,915; which is \$1,983,566, or \$2 per steer slaughtered, in favor of this industry.

There were slaughtered during the same period of hogs 2,700,109, producing 21,600,872 pounds of neutral lard, which, at 8 cents per pound, netted \$1,836,074. This product would, in the absence of this industry, have sold for 6 cents per pound, or a loss of 20 cents on a hog, or of \$540,022 on the total output.

Continuing, he says:

The Government report shows that on January 1, 1900, there were in the United States 43,902,414 head of cattle, of which 16,232,390 head were milch cows; and of cattle other than milch cows, 27,610,054. By the enactment of laws prohibiting the use of oleomargarine each head of those cattle, other than milch cows, would have a depreciation in value, as shown above, of \$2 per head, or a total of \$55,230,108. Again, the Government report showed that on January 1, 1899—no estimate being made by the Government for the year 1899, it having decided to await the census enumeration in June, but it is safe to assume that the numbers were approximately the same January 1, 1899, and January 1, 1900—there were in the United States 38,651,631 hogs. If the leaf lard of the hogs of the United States had to be used for lard by the death of oleomargarine, it would mean a depreciation in value of 20 cents per head, a total of \$7,730,326. Thus it will be seen if these measures become laws, at that instant \$62,960,434 will be taken directly from the farmers and stock raisers of the country. To that could be added the vast sums invested in manufacturing plants and the loss in wages to an army of laborers; but that is a field outside of my domain.

And now, gentlemen, I wish to call your attention to another phase of this question, and to illustrate it you will find below the number of cattle in the United States as given by the Government report, those States divided into three classes, viz, dairy States, cattle-growing States, and States that are agricultural, but having fewer milch cows than other cattle, which I will term Southern States.

CATTLE-GROWING STATES.

Arkansas.....	419,422
Texas.....	5,046,335
Kentucky.....	539,449
Iowa.....	3,442,012
Missouri.....	2,047,346
Kansas.....	2,867,224
Nebraska.....	2,206,792
South Dakota.....	879,200
North Dakota.....	431,371
Montana.....	959,808
Wyoming.....	747,826
Colorado.....	1,115,421
New Mexico.....	679,359
Arizona.....	381,861
Utah.....	336,076
Nevada.....	238,081
Idaho.....	397,928
Washington.....	390,444
Oregon.....	637,433
California.....	913,753
Oklahoma.....	323,971
Total.....	25,001,112

DAIRY STATES.

Maine.....	316,537
New Hampshire.....	214,678
Vermont.....	401,336
Massachusetts.....	254,967
Rhode Island.....	35,405
Connecticut.....	210,717
New York.....	2,059,715
New Jersey.....	263,157
Pennsylvania.....	1,494,126
Delaware.....	58,065
Maryland.....	257,435
Ohio.....	1,455,558
Michigan.....	801,818
Indiana.....	1,234,930
Illinois.....	2,324,254
Wisconsin.....	2,598,529
Minnesota.....	1,237,003
Total.....	14,218,200

SOUTHERN STATES (MORE CATTLE GROWING THAN DAIRY).

Virginia.....	567,488
North Carolina.....	518,141
South Carolina.....	260,223
Georgia.....	666,147
Florida.....	412,820
Alabama.....	511,080
Mississippi.....	517,809
Louisiana.....	294,961
Tennessee.....	526,235
West Virginia.....	408,198
Total.....	4,683,102

Grand total..... 43,902,414

By the above it is shown that 17 States, all of them in the extreme East, except 6, which are in the middle West, have 14,218,200, while 31 States in the West and South have 29,684,214, the 6 great cattle-growing States of the West, Missouri, Kansas, Iowa, Nebraska, Texas, and Colorado, alone having 16,724,930, or 2,506,730 head more than the whole 17 dairy States combined. Where then, gentlemen, will the burden of such legislation fall? Nor is that all. Is it to be supposed that the stock raisers, farmers, and feeders of the State of Illinois, with their 1,303,018 cattle, other than milch cows, will willingly consent to have their property depreciated \$2,606,033 for the benefit of their creamery neighbors?

It is claimed by the manufacturers of oleomargarine that they have invested in the industry \$15,000,000, and that there is probably invested in the wholesale and retail trade besides fifteen to twenty millions more. Mr. Knight responds to this claim as follows:

THE MAGNITUDE OF THE INDUSTRY.

First. Oleomargarine has been manufactured in this country for about twenty-five years, and in its manufacture there is now invested more than \$15,000,000, furnishing employment to many thousand men. The wholesale and retail sale and delivery of oleomargarine furnish employment to 25,000 men. There is probably \$15,000,000 to \$20,000,000 invested in the wholesale and retail trade separate and apart from the manufacture of the article.

Here, as well as in every other effort to influence Congress by holding up to public gaze the "enormous proportions" of the oleomargarine industry, Swift & Co. have evidently included in what they term the "manufacture of oleomargarine" the neutral lard and oleo oil industry, which will be treated thoroughly under the department devoted to the effect of the Grout bill upon the live-stock interests.

It is a well-known fact that Messrs. Braun & Fitts, and William J. Moxley, of Chicago, produce almost if not quite one-third of all the oleomargarine manufactured in the United States. The combined extreme rating of these firms by Dunn is \$400,000. While we do not doubt that their resources, from profits earned during the past few years, is greatly in excess of this amount, anybody who is acquainted with their establishments can readily realize that the rating, so far as money actually invested is concerned, is amply liberal. If it took an investment of \$400,000 to produce one-third of the oleomargarine made in this country—not the oleo oil and neutral lard—then their estimate of \$15,000,000 as the amount invested in the oleomargarine manufacturing business is more than twelve times too high.

SOME ABSURD FIGURES.

Just contemplate, if you please, the statement of Swift & Co. that "there is now more than \$15,000,000" invested in the manufacture of oleomargarine, "employing many thousand people."

And "the wholesale and retail sale and delivery of oleomargarine furnish employment to 20,000 men." Also, that "there is probably \$15,000,000 to \$20,000,000 invested in the wholesale and retail trade, separate and apart from the manufacture of the article."

If this is true, let us sum up the total cost of handling this product of 83,000 pounds made in 1898-99, according to the statement of Swift & Co. as to the number of people employed outside of those in the factories, and the interest upon the capital which they claim to be invested:

Six per cent on \$20,000,000 claimed to be invested by wholesale and retail dealers.....	\$1,200,000
Six per cent upon the \$15,000,000 capital employed in manufacturing, as claimed by Swift & Co.....	900,000
Wages of 25,000 persons engaged in the handling of oleomargarine, at \$750 per year each.....	18,750,000

Total cost of one year's business of handling oleomargarine, outside of wages of factory employees and cost of materials. 20,850,000

Add to this claimed expense the actual expense of manufacture of probably 2 cents per pound, \$1,660,000; the present 2-cent tax, aggregating \$1,660,000 more, and the average cost of materials, probably 8 cents per pound, and we have a total cost of 83,000,000 pounds of oleomargarine, according to Swift & Co., as follows:

Interest on capital, cost of handling, as shown in foregoing table.....	\$20,850,000
Cost of manufacturing.....	1,660,000
Cost of 2-cent tax.....	1,660,000
Cost of raw material, at 8 cents per pound.....	6,640,000
Paid for wholesale, retail, and manufacturers' licenses (estimated).....	300,000

Total cost of 83,000,000 pounds..... 29,110,000

Or, to reduce it to pounds and cents, it requires an expenditure of 35.06 cents to produce a pound of oleomargarine, which, the same firm says a little further along, "sells at an average of 10 cents per pound!"

What does Congress think of such an attempt to mislead its members upon this matter?

Were not the statement of Swift & Co. made ridiculous in itself by the claims of the importance of the oleomargarine traffic, their plea might find an answer in the counterclaim that every man employed in the oleomargarine traffic displaces at least three men who hitherto had found employment upon the farm, and that the greater the showing made by this industry the greater the necessity for Congressional action to check a growth which is *prima facie* illegal.

Mr. J. A. Hake of South Omaha, Nebr., says:

South Omaha is the third largest live-stock market in the world.

For the year ending December 31, 1899, there were 540,502 cattle slaughtered, and for the same period there were slaughtered 2,188,779 hogs. The makers of oleomargarine create a demand for oleo oil, which is made from the choice fats of the beef, and which is worth, for butter purposes, 10 cents per pound. If these choice fats were not utilized in the manufacture of butter they would have to be sold as tallow, which is worth about 5 cents per pound. A steer will yield 40 to 50 pounds of oleo oil; therefore should the butterine industry be destroyed each steer would depreciate in value at least \$2.

Now, the same is true of hogs. Leaf lard, or neutral, being used in the manufacture of butterine, is worth 8 to 9 cents per pound; lard is worth about 6 cents; a hog will yield about 8 pounds of neutral, and if there was no demand for neutral as a butterine ingredient, it would have no greater value than ordinary lard; hence each hog would be worth about 20 cents per head less than present price. Upon this basis the loss to the producers of cattle and hogs during 1899 in South Omaha alone would be—

On 540,502 cattle, at \$2.....	\$1,081,004.00
On 2,188,779 hogs, at 20 cents.....	437,755.80

Total..... 1,518,759.80

The total number of beef cattle and hogs in the United States is a matter of statistics, which has doubtless been presented for your consideration, or, if not, can be easily obtained.

The probable loss to the beef producers of this country, should this measure become a law, has been estimated by different persons to be about \$100,000,000, to say nothing of the confiscation of about \$15,000,000 invested in the manufacture of oleomargarine and butterine and the loss of employment to about 25,000 men.

The butterine business of 1890 was 2.6 per cent of the total amount of butter made in the United States. These figures are taken from the records of the Bureau of Internal Revenue and the Agricultural Department. For the year ending June 30, 1899, there were \$3,000,000 pounds of butterine manufactured in the United States, and, according to the estimate of Mr. Wilson, editor of the *Elgin Dairy Report*, Elgin, Ill., there were something over 3,000,000,000 pounds of butter made in the United States for that year. Figuring on this basis, the amount of butterine manufactured as compared with the amount of butter made is 2½ per cent, showing that the make of butterine has decreased, in comparison to the make of butter, in the past ten years to the extent of one-tenth of 1 per cent. The Government received, for the year ending June 30, 1899, about \$2,000,000 from tax and license on butterine.

THE QUESTION OF FRAUD IN THE SALE OF OLEOMARGARINE.

Mr. Charles Y. Knight, editor of the *Chicago Dairy Produce*, in his brief (see pages 29 and 30), and in his statement before the Committee on Agriculture of the House (see page 55), makes charges of wholesale fraud and deception in sales of oleomargarine by wholesalers and retailers. He cites a number of cases, some of which are susceptible of an honest construction; some are no doubt in point; but his whole number does not exceed 15 cases, except that by inference, because of the alleged amount of oleomargarine sold in the anti-color States, he assumes that all or nearly all retailers are lawbreakers.

REPLIES TO THIS CHARGE.

Representative ALLEN. There have been exhibited here some original packages of the wrappings of oleomargarine, and the stamp has been impressed upon the corner of the wrapper and turned down in that manner [indicating], so as not to be seen by the purchaser. What do you know about that?

Mr. DADIE. I understand that charge has been made against him; but there are about 2,500 licensed dealers in the First district of Illinois, and it appears that this man Broadwell is about the only one against whom they have been able to get any cases of that kind.

Representative ALLEN. You say he is one out of about 2,500?

Mr. DADIE. One out of about 2,500.

Representative ALLEN. Of the retail dealers?

Mr. DADIE. Retail licensed dealers in that district.

Internal-Revenue Commissioner Wilson says:

Representative BAILEY. Mr. Wilson, a statement was made here by the friends of the dairy interests that 90 per cent of the oleomargarine marketed in this country was sold as butter. Do you believe that is true?

Commissioner WILSON. I say it is nearer 10 per cent.

Representative WILLIAMS. What was that question?

Representative BAILEY. The question was that it had been stated to this committee that 90 per cent of the oleomargarine sold in this country was sold as butter.

Commissioner WILSON. Of course I can not tell, but I do not think that is accurate. I simply do not think so. That is my honest conviction about it.

THE LEGAL ASPECT OF THE QUESTION.

The parties urging the enactment of the Grout bill rely upon two decisions of the Supreme Court of the United States for the legal justification of the measure. They are, *Plumley vs. Massachusetts* (155 U. S., 461) and *Schollenberger vs. Pennsylvania* (171 U. S., 1).

The question in the *Plumley* case was this, whether, as contended by petitioner, the statute under examination in its application to sales of oleomargarine brought into Massachusetts from other States is in conflict with the clause of the Constitution of the United States investing Congress with power to regulate commerce among the several States.

The record in this case shows that the statute in question forbade the sale of any product "not made from unadulterated milk

or cream in imitation of yellow butter produced from pure, unadulterated milk or cream."

The basis and all the assumptions of this case were that the sales in question were fraudulent and deceptive, and the quotation from the decision given below and relied upon by the parties urging this legislation must be read in view of the facts of the record and as a comment upon that fraud and upon that deception.

Judge Harlan, in delivering this opinion, said:

And yet it is supposed the owners of a compound which has been put in a condition to cheat the public into believing it is a particular article of food in daily use and eagerly sought for by people in every condition of life are protected by the Constitution in making a sale of it against the will of the States in which it is offered for sale because of the circumstance that it is in an original package and has become a subject of ordinary traffic. We are unwilling to accept this view. We are of the opinion that it is within the power of a State to exclude from its markets any compound manufactured in another State which has been artificially colored or adulterated so as to cause it to look like an article of food in general use and the sale of which may, by reason of such coloration or adulteration, cheat the general public into purchasing that which they may not intend to buy.

The Constitution of the United States does not secure to anyone the privilege of defrauding the public. The deception against which the statute of Massachusetts is aimed is an offense against society. The States are as competent to protect their people against such offenses or wrongs as they are to protect them against crimes or wrongs of more serious character, and this protection may be given without violating any right secured by the National Constitution and without infringing the authority of the General Government. A State enactment forbidding the sale of deceitful imitations of articles of food in general use among the people does not abridge any privilege secured to citizens of the United States, nor in any just sense interfere with the freedom of commerce among the several States.

But even upon the record of the case, so narrowed, there was a vigorous dissent by the Chief Justice, Fuller, and Justices Field and Brewer. The Chief Justice says, in part:

I deny that a State may exclude from commerce legitimate subjects of commercial dealings because of the possibility that their appearance may deceive purchasers in regard to their qualities. In the language of Knowlton, J., in the dissenting opinion below, I am not "prepared to hold that no cloth whose fabric is so carded and spun and woven and finished as to give it the appearance of being wholly wool, when in fact it is part cotton, can be a subject of commercial transactions, or that no jewelry which is not gold, but is made to resemble gold, and no imitations of precious stones, however desirable they may be considered by those who wish to wear them, shall be deemed articles of merchandise in regard to which Congress may make commercial regulations."

But in the case of *Schollenberger vs. Pennsylvania* (171 U. S., 1) the Supreme Court indorsed the principle at the foundation of the Wadsworth substitute for the Grout bill. In this case the court held that any act of the State legislature is invalid which seeks to prevent the sale of a product colored like butter (which is otherwise wholesome and a matter of interstate commerce) in the original packages when it is sold for what it is, as the law interferes with interstate commerce. In other words, if the product is known and marked as oleomargarine, the fact that it is colored like butter is not a legal evidence of deception, and hence can not be excluded from the original sale. The *Plumley* case was discriminated, and not overruled.

The court (by Justice Peckham) says:

This court held that a conviction under that statute—

The Massachusetts statute—

for having sold an article known as oleomargarine, not produced from unadulterated milk or cream, but manufactured in imitation of yellow butter produced from pure unadulterated milk or cream, was valid.

The italics are those of the court.

The principle contended for by this proposed legislation is here condemned from its legal aspect, and if adopted in this case would seem to found a precedent for every other business in the land—woolen goods, jewelry, precious stones, or what not—to demand a law in the nature of a prohibitive tax upon the imitative process.

Mr. GROUT. I yield to the gentleman from Wisconsin [Mr. DAVIDSON] three minutes.

[Mr. DAVIDSON addressed the House. See Appendix.]

Mr. WADSWORTH. I yield ten minutes to the gentleman from Texas [Mr. BAILEY].

Mr. WILLIAMS of Mississippi rose.

Mr. BAILEY of Texas. I yield the floor to the gentleman from Mississippi.

Mr. WADSWORTH. I yield to my colleague from Mississippi. The SPEAKER. The gentleman from Mississippi is recognized for ten minutes.

Mr. WILLIAMS of Mississippi. Mr. Speaker, I am a member of the committee.

Mr. WADSWORTH. I yield to the gentleman from Mississippi what time he requires.

The SPEAKER. The gentleman from New York yields to the gentleman from Mississippi. Does the gentleman from Mississippi ask recognition in his own right?

Mr. WILLIAMS of Mississippi. I ask recognition in my own right if recognized at all.

The SPEAKER. The gentleman from Mississippi.

Mr. WILLIAMS of Mississippi. Mr. Speaker, I listened with a great deal of interest to the speech of the gentleman who has just taken his seat, and what he says is true. But it is not only true that the oleomargarine people advertise the sale of coloring and advertise the sale of oleomargarine colored in various ways to suit

the local trade, but it is true that the great dairy people do exactly the same thing. Now, it is true, and if that be fraud to a certain extent—and there is no doubt about that—then it is true that the buttermen are just as guilty as the oleomargarine men; and if that be true, it follows necessarily that if the gentleman from Wisconsin and others want to be sincere and honest they will do what I asked the Committee on Agriculture to do at its committee meeting—pass a law punishing as fraud anybody who colored any sort of food product to resemble another, and who sells it instead and in lieu of that which it represented to be, to the deception or detriment of the purchaser.

Mr. DAVIDSON. Is butter sold as anything but butter?

Mr. WILLIAMS of Mississippi. Yes, sir; but because dogs are dogs all hounds are not curs; and butter is sold colored as "June butter," and it is sold as "June butter" when it is not, for the purpose of getting a higher price in making the purchaser believe that he has gotten June butter.

Mr. DAVIDSON. June butter does not contain cotton-seed oil.

Mr. WILLIAMS of Mississippi. June butter does not contain cotton-seed oil, but summer butter or December butter is no more June butter than is oleo, and one deception is just as much a fraud as the other, and it is for a fraudulent purpose, namely, that of getting money out of the pocket of the purchaser under the pretense that it is something other than what it is sold for. That is all.

Now, Mr. Speaker, there are two purposes behind this oleomargarine question. One is dishonest and insincere, and conceals the real purpose under the guise of taxation, and under the pretext of stopping fraud would tax out of existence a perfectly wholesome and perfectly healthful product. And then, in the second place, there are men with a tyrannical and unjust purpose, avowed and not concealed, as was the case with several people who appeared before the Committee on Agriculture with an avowed purpose of stamping out this industry, and making it impossible for men to manufacture and sell, and for other men to buy, oleomargarine.

Now, Mr. Speaker, this question is not a hard question to solve by any means. We have been through, in the committee, the hearings upon all sides. There are two bills presented for your consideration. One of them does nothing under the sun except to relegate, in the first section, back to the States the constitutional power of Congress to control interstate commerce in oleomargarine as in other things. Now, I can not see how a Democrat or a Republican can vote for that first section. The gentleman from Vermont [Mr. GROUT] says that it gives to the States no rights except the rights they already have, and which the courts have decided they already have. If that be true, then the legislation is unnecessary. But if that be not true—

Mr. TAWNEY. Will the gentleman allow me an interruption?

Mr. WILLIAMS of Mississippi. Yes.

Mr. TAWNEY. Is it not a fact that the Federal courts differ in their interpretation as to the Plumley case?

Mr. WILLIAMS of Mississippi. Of course.

Mr. TAWNEY. Is not it a fact that Judge Lochran has held that the State has not the power to regulate this in the jurisdiction of the State, on account of the interstate-commerce law and the original-package decision?

Mr. WILLIAMS of Mississippi. Well, Mr. Speaker, if it be true that the interstate-commerce clause does forbid the State from legislating, as the gentleman has stated, then this Congress can not do away with the interstate-commerce clause.

Mr. TAWNEY. It did it, however, in a celebrated case.

Mr. WILLIAMS of Mississippi. It did it on a totally different ground, and I want, in that connection, to call the attention of this House to the injustice of this legislation, the defamatory and calumnious character of this legislation. The Supreme Court had decided that whisky, when imported in original packages, could not be dealt with by the State, notwithstanding the reserved police powers of the State to deal with those things injurious to public health and public morals. The Supreme Court held that whisky was an article of that sort, and Congress, upon the ground that whisky was an article of that sort and deleterious to public health and public morals—that the trade in it had always been considered within the police powers of a State—passed the legislation which they did, and to which the gentleman refers.

Now gentlemen want to come in here and put oleomargarine, an absolutely healthful product, upon the same footing with whisky.

Mr. BARTLETT. Will the gentleman allow me a suggestion?

Mr. WILLIAMS of Mississippi. Certainly.

Mr. BARTLETT. Is it not true that the Supreme Court distinctly, in a case in 165 United States Court Reports, decided that the whisky case did not apply, and would not be extended to apply, to the case where the State had enacted a law to affect it, against the sale of oleomargarine?

Mr. WILLIAMS of Mississippi. Yes; there are a good many decisions, and they are very diverse. Now, to come back to the committee view, if this first clause is designed to give the State any right which it has not already, then it is unnecessary. If it

does give the State any rights in controvention of the interstate-commerce clause, then it is unconstitutional. It can not be both, and it must be one or the other.

Now, my friend the gentleman from Vermont [Mr. GROUT] says that the reason why they want to pass this legislation is because the court was almost evenly divided. I suppose, then, they want to overbear the Federal courts with some sort of a law enacted so as to act coercively upon them—as a moral coercion. There can be no sense in that.

Now, Mr. Speaker, how can anybody be in favor of relegating back to the States any power which is conferred by the Constitution upon the Congress of the United States? Certainly no strict constructionist could be. It is just as wrong for the Federal Government to put back into the hands of the States a power vested in the Federal Government by the fundamental voice of the people—the Constitution of the United States—as it would be for the Federal Government to usurp to itself powers reserved to the States. So that if this is the intention, then it is wrong.

But that is not the main clause in this bill. That clause might be stricken out, and this bill would still do what these gentlemen want to do with it, some of them, and what other people are deluded into thinking that it would not do—that is, stamp out by taxation this industry whose products compete to some extent with butter in the market.

Now, it is not true, as stated by the gentleman from Vermont [Mr. GROUT], that 95 per cent of the oleomargarine is sold for butter. It was the opinion of the Internal-Revenue Commissioner that not more than 5 per cent is sold in that way.

And talking about the laws not being executed, that officer testified before the committee that this was the best executed Federal law upon the statute book.

Now, let us see what the evil is, because there is an evil. There is nothing evil in the manufacture; nobody has contended that there is. Nobody contends that you go to the manufacturer and buy oleomargarine as butter. The oleomargarine is sold from the factory as oleomargarine, colored or uncolored. This goes to the jobber, and from the jobber it goes in wholesale packages to the retailer. Then begins the fraud. When a dealer breaks a package like that firkin on Mr. LORIMER's desk and begins to retail the article, the law requires him to wrap the retail package in a piece of paper upon which the word "Oleomargarine" is printed. But if he is a dishonest dealer, he of course may not do that; and in very many cases he does not.

Now, Mr. Speaker, I am willing to stamp out not only every particle of fraud in connection with the sale of oleomargarine, but to stamp out every particle of fraud in connection with the sale of so-called Vermont maple sirup and a dozen other things of the same fraudulent character which are in the market. I believe that any man who sells an article in the name of and for another thing commits a fraud for which he ought to be punished both by State legislation and Federal legislation, each in its appropriate sphere. Does the GROUT bill punish him? It does not. It merely increases the tax which he pays to 10 cents, and thereby stimulates him with a larger motive to commit fraud. That is all.

Now, what does the substitute bill do? I say that the substitute bill, which has been drawn in accordance with the recommendation—I do not say whether formal recommendation, but at any rate drawn with the advice of the Commissioner of Internal Revenue—does stop this fraud. What is this substitute bill? A part of it is a repetition of the old law; another part is new. I will not have time to read it, because other gentlemen want to be heard; but I will explain just what this substitute bill does. It forces the oleomargarine manufacturer to sell his oleomargarine in packages of 1 or 2 pounds ready for retailing. It forces him to put around that package not only the name "oleomargarine" and the name of the manufacturer, but the Government stamp must go all around it, so that if the package is broken the Government stamp must be broken. It leaves the amount of licenses to be paid by the manufacturer, by the wholesale and retail dealer, and by the jobber just what they are to-day, and it leaves every penalty of the law in force and provides penalties for new offenses.

Under this substitute the oleomargarine reaches the retailer's shop in 1 and 2 pound packages. People buy their butter and butterine and oleomargarine in 1 and 2 pound packages for their tables. The consequence is that, in order to violate the law, the retailer can not do what he does now in the case of the firkin. He can not pick out a pound and wrap it up in a piece of unmarked paper. But in order to violate the law and deceive anybody he must remove from that package both the Government stamp and the name "oleomargarine" wrapped around it. And this bill makes such removal itself a crime.

Further than this, the bill requires the word "oleomargarine" to be sunk into the product. Then the article goes from the retailer to the private table; so that when my friend from Connecticut buys a pound package of this article, there is nothing to prevent him from taking a paddle or something else and rubbing

out the name "oleomargarine" imprinted in the stuff. But I ask, if there is anywhere along the line of the provisions of this bill a defect, why not remedy the defect if you can? So far as I am concerned, I do not see how you can possibly prevent a citizen of the United States who has bought oleomargarine for his own table, after the package wrapper has been removed, from rubbing out the word "oleomargarine" imprinted on the product itself. The trouble is simply that you have struck right there a legal impossibility.

Nor do I care, so far as I am concerned, whether the gentleman wants to fool his neighbors or his wife with the idea that they are eating butter instead of oleomargarine. There is no possibility of his buying oleomargarine for butter. There is no possibility of his being defrauded by the dealer, because when the dealer breaks that package he has violated the law. So that by our substitute bill we increase by an enormous percentage the chances of conviction for a violation of the law, whereas by the Grout bill absolutely nothing is done to prevent fraud; what is done is to interfere with the business of an honest man; to punish him by an additional tax while giving the dishonest dealer a larger incentive to commit fraud.

Now, let me come to this suggestion that the coloring of oleomargarine is in itself a fraud. Why do manufacturers color oleomargarine, and what color do they color it? Gentlemen say it has been colored butter color. Not so. They are coloring butter oleomargarine color. The oleomargarine people discovered this material for coloring, which is now called "standard butter color," after that the butter men got to using it; and now they come to Congress in order that the other fellows may be prohibited from using it. [Laughter.]

Mr. DAHLE. In what year was that coloring matter discovered?

Mr. WILLIAMS of Mississippi. Oh, I do not remember.

Mr. DAHLE. Was it not ten or twenty years ago?

Mr. WILLIAMS of Mississippi. Oh, butter was colored years ago. I do not mean to say that the introduction of this coloring material was the first time that butter was ever colored. The gentleman must not so understand me. My grandmother colored butter with carrots; and I presume the gentleman's grandmother did the same. But I am talking about this particular coloring material which is called "Standard butter color" and about which so much fuss is made.

Now, Mr. Speaker, let me get back to the question that I was about to discuss. What is "butter color?" Who can define exactly what it should be? Why, it runs all the way in the hill country of Mississippi and the piney districts of the United States from a pure white—almost as white as this piece of paper that I hold in my hand—to as red a color as that which used to be the glory of the Goshen butter manufactured in Pennsylvania—the butter which had the widest reputation and the largest sale of any in the country, and which everybody who was able to secure it desired for his table. There is no limit to the coloring. There are eight or nine different colors, all of which might be called "butter color," and ranging from pure white down to a dark red. But it is not true, as a matter of fact, that the colored butter is a fraud.

It is not true that it is a fraud for me, when I am making butter for my own table, to have it yellow rather than white, and to make it such color as will suit my own ideas of taste, or to adopt the suggestion of somebody else as to the color he thinks it ought to be made. It is no more fraud to color my butter in this manner than it is to color the whisky that comes from the distilleries. We all know that that comes from the still white in color. And it is no more a fraud to color oleomargarine to suit the public taste and the public demands than it is to color butter or to color whisky.

What is the difference? How are you going to draw a distinction? Where is the line between them? Suppose I had an oleomargarine factory and my friend in New York over there, Mr. WADSWORTH, had, as he has, a dairy or a creamery; suppose that I manufactured oleomargarine and he manufactured butter; I color my oleomargarine; he colors his butter; is there any difference or distinction between the acts in each case? Is one any more a fraud than the other? Why, of course, it is absurd to make such a statement. The same motive, identically, is manifest in each case, namely, to make a product that suits the public taste and incidentally therewith to obtain the higher price which the market allows under such circumstances; and if it be decided that there is a fraud in both of these instances, then every man who buys a bottle of whisky is absolutely defrauded, because it comes from the still white in form and is colored afterwards.

Now, Mr. Speaker, I might extend this illustration and say that the same fraud will be found even in such an article as calico. That is colored after it is woven, and the public demands that it shall be done. It is a requirement of the public taste, and to meet that the coloring matter is applied after the fabric has been woven.

Mr. MERCER. How about maple sirup?

Mr. WILLIAMS of Mississippi. Well, Mr. Speaker, in response to the gentleman from Nebraska, I will state that there is more maple sirup turned out in one town in Iowa and known as Vermont pure maple sirup than has been tapped from the trees in Vermont in the last ten years. [Laughter.]

Mr. GROUT. And perhaps some in Nebraska.

Mr. WILLIAMS of Mississippi. Yes; no doubt some has been also manufactured in Nebraska.

Now, Mr. Speaker, with these illustrations before the House, I ask the question plainly and simply why you single out this particular product. Why not deal uniformly with all of this subject? If the object is to stop the adulteration of food products, why do not the pure-food people bring in a bill that they know could be passed by this House to accomplish that purpose? Why does not the committee accept the amendment that any food product colored or made in imitation of another product, or sold in the name of that product, shall be taxed as you propose to tax this product?

Why is it, when the gentleman from Georgia [Mr. GRIGGS] asked the gentleman from Vermont this morning if he would be willing to make the dairyman put the word "colored" upon his butter, if it was colored, that he refused to answer the question? Why should it not be done? Where is the distinction? Why make a difference? It is just as much a fraud as that which you propose to legislate against in the pending bill.

Let us take as an illustration the "renovated" butter industry. That is unquestionably a real fraud; and if the committee is anxious to deal with questions of this character they should introduce a bill to stop that. An effort was made by us to do so. We could not get it up in the House. What do these people do? They go along the lines of the railroads, send their employees and purchasers out and buy all sorts of butter and stuff that is called butter, varying from the color of my friend's shirt over here to that of my friend's mustache on the other side [laughter and applause], and put it into a common dumping place, and, after treatment according to their own methods, sell it to the public as "Jersey creamery" butter. Now let us put a stop to all such fraud as that. Let us not single out this product to which the pending legislation refers and make that a special exception.

Let me call your attention to something else, to show how unfair this is. Why should you tax uncolored oleomargarine at all upon the theory of the advocates of the Grout bill? Is it less healthful, is it less important as a food product, than half a dozen others?

Mr. HENRY of Connecticut. It is taxed a quarter of a cent a pound in order to keep it under Government supervision.

Mr. WILLIAMS of Mississippi. Why not put butter under Government supervision by putting a quarter of a cent a pound tax on uncolored butter? Why not put carrots and turnips under Government supervision by putting a quarter of a cent a pound tax upon them? Why not put coffee under Government supervision by putting a quarter of a cent a pound on it? Why not do the same thing for all sorts of sugar, including maple sugar? The truth is that they—the dairymen—just singled out this product because they had learned to dread it as a substitute food stuff for food stuffs already existing, and when they first began they singled it out on the ground that it was "unhealthful" and "impure;" but now everyone of you has been compelled to quit talking about that, because everybody recognizes that that is not true, and that it is as pure and as healthful as anything. Take cotton-seed oil, for example; it is the purest vegetable oil known to the world today, and purer than butter in every sense of the word. Nobody ever caught any disease from it, and you can catch all sorts of diseases from butter made from the milk of diseased cows, tuberculosis included.

Now, why do they tax uncolored oleomargarine? If they are going to tax uncolored oleomargarine, why do they not tax uncolored butter; and if they are going to tax colored oleomargarine out of existence why do they not also tax colored butter out of existence and let everything stand upon its own basis of color, without artificial incentive to the buyer and without any sort of attempt at deceit? Why can you not do what you want to do here under a pure-food bill applying to all foods?

And then, in conclusion, I want any gentleman in this House to tell the House how the Grout bill can possibly stop the only sort of fraud that exists, namely, the fraud that takes place between the retailer and the consumer. And then I want him to tell me if he can possibly think of any legal device that would come nearer stopping it than the device furnished to this House in this substitute bill.

Now, Mr. Speaker, I want to yield fifteen minutes of my time to the gentleman from Illinois [Mr. FOSTER], and after that I will yield the balance of my time to the gentleman from New York [Mr. WADSWORTH].

Mr. GROUT. Will the gentleman from Mississippi yield to me to make a motion now as to closing debate?

Mr. WILLIAMS of Mississippi. Yes, with the understanding

that it does not come out of the time of the gentleman from Illinois [Mr. FOSTER].

Mr. GROUT. Mr. Speaker, the gentleman from Mississippi [Mr. WILLIAMS] yields to me for the purpose of making a motion to close general debate. I accordingly move that general debate be closed at a quarter past 4, and that then the bill be read under the five-minute rule, and the five-minute debate be continued for half an hour longer.

The SPEAKER. Does the gentleman ask unanimous consent, or does he make a motion?

Mr. GROUT. I made the motion. I understood there would be objection. If not, I will put it in the form of a request for unanimous consent.

The SPEAKER. The gentleman from Vermont asks unanimous consent that general debate be closed—

Mr. WILLIAMS of Mississippi. I understood the gentleman put that in the form of a motion. If unanimous consent were asked, I should feel compelled, under the circumstances, to object, as so many of our people have been unable to be heard. It might just as well go as a motion. I will not ask for the yeas and nays upon it.

The SPEAKER. If the gentleman puts it in the form of a motion, he is putting too much into his motion.

Mr. GROUT. Then I move that general debate be closed at a quarter past 4.

The SPEAKER. The gentleman from Vermont moves—

Mr. GROUT. I want to embrace it all in one motion, if the Speaker please. Then, if a division is demanded, it can be voted upon all at once. My motion, further, is that then the bill be read for thirty minutes under the five-minute rule, by paragraphs, and that then the vote be taken—

The SPEAKER. That motion can not be made in that form. The gentleman moves that general debate be closed at a quarter past 4 o'clock.

The motion was agreed to.

The SPEAKER. The gentleman from Illinois [Mr. FOSTER] is recognized for fifteen minutes.

Mr. FOSTER. Mr. Speaker, the pending bill, popularly known as the Grout bill, receives its strength and acquires its unworthiness from two sources—bigotry and greed. These two elements, from time to time, as far back as the memory of man runneth, have consistently opposed every effort to improve the condition of mankind by destroying the power of tyrants, frustrating the avarice of classes or the prejudices of precedent.

In this case the bigotry referred to is the bigotry of custom, which is as blind, ignorant, and inconsiderate as that of race, nationality, class, or creed. It opposes the adoption of a healthful food, which may be enjoyed by poor and rich alike, because that food was unknown to past generations. In like manner it opposed steam and electricity. It did not believe a steamer could cross the ocean, because one never had crossed it. It tried on the plains to lasso the railroad engine. The lasso was in the hands of the savage red man. But in that effort he was as reasonable, as enlightened, and as effective as the better-lettered but equally narrow-minded pale-faced brethren of his class, who declared the steamship an impossibility and the railroad a dangerous, trespassing, man-devouring, cattle-destroying gourmand and juggernaut.

Modern discovery, aided by science, has brought into use a new food, known as oleomargarine.

Prof. C. F. Chandler, professor of chemistry at Columbia College, New York; Prof. George F. Barker, of the University of Pennsylvania; Prof. Henry Morton, of the Stevens Institute of Technology, New Jersey; Prof. S. W. Johnson, director of the Connecticut agricultural experiment station and professor of agricultural chemistry in Yale College, New Haven; Prof. S. C. Caldwell, of Cornell University, Ithaca, N. Y.; Prof. C. A. Goessmann, of Amherst Agricultural College; Prof. Charles P. Williams, professor in the Missouri State University; Prof. J. W. S. Arnold, professor of physiology in the University of New York; Prof. W. O. Atwater, director of the United States Government agricultural experiment station at Washington; Prof. Henry E. Alvord, formerly of the Massachusetts Agricultural College and president of the Maryland College of Agriculture, and now Chief of the Dairy Division of the United States Department of Agriculture; Prof. Paul Schweitzer, Ph. D., LL. D., professor of chemistry, Missouri State University; and last, but not least, Professor Wiley, Chief of the Division of Chemistry of the United States Department of Agriculture, whose opinions in brief are given in the minority report on the pending bill, all testify to the healthfulness and purity of this food. But bigotry, represented by the pale-faced conservative, says:

Our fathers got along very well without this new-fangled food. They ate butter whenever they ate anything of that kind. See what sons they left to the world!

The predecessors of these gentlemen said:

Our fathers got along very well with stagecoaches whenever they traveled beyond their own townships. Behold the brilliant intellects their chil-

dren inherited! Therefore, down with the railroad and special anathema upon the sleeping car.

The bigots are in comradeship with the monopolists in this case. The former oppose all innovations, whether good or bad. They are sticklers for precedent. The latter oppose all competition. They think the world was made for their class, and they want the world. They produce butter. Why should anyone else come into competition with them? They could control the market. Why should others be allowed to influence prices? Their product was uniform neither in appearance nor in quality. They furnished it in every color, from that of the rich sunflower to that of the pale lard. They delivered it in every variety of age and strength, and, in their prodigal and artistic love of the beautiful, they decorated their contributions to the joy of the human palate with every variety of shade which the Lord, in His gracious generosity gave for the adornment of the hair of His daughter children, regardless of their age, race, color, or present or previous condition of servitude. Therefore, let oleomargarine be excommunicated by bigotry and its manufacture be destroyed by greed!

There is no pretense that oleomargarine is impure or unhealthy. There is no denial that it is a nutritive food. Yet it is proposed to destroy the oleomargarine industry. That is the meaning and intent of the Grout bill. If this industry gives employment, as it does, to tens of thousands of people, it should not be suppressed unless its continuance injuriously affects public morals or public health. If it enables, as it does, hundreds of thousands of people to enjoy a food as a substitute for butter, those people should not be robbed of that enjoyment unless it can be shown to be injurious to their health or their morals. The proposed tax of 10 cents per pound is a prohibitive tax.

The majority report excuses the legislation it recommends by an argument the irresistible conclusion from which must be either that "hotel keepers, restaurant keepers, and boarding-house proprietors" as a class are knaves or that the much larger class, who are their patrons, are fools. While this is severe upon the large body of people included in those two classes, is it not also severe on butter? If that idol of conservatism is so superior, how can oleomargarine deceive so many people? The people who travel are bright, sharp people as a rule. The business interests which make them travel and the contact of travel generally result in making them keen and shrewd. It appears, however, that this bright and large body of people are unable to tell butter from oleomargarine and must be aided in differentiation by an act of Congress putting a penalty of 10 cents a pound on every wicked piece of oleomargarine which audaciously looks like butter. In the language of the majority report it is necessary to adopt this legislation so that the consumers "will be able to know whether they are eating butter fat or hog fat when they spread their bread."

The substitute bill proposed by the minority provides:

That all oleomargarine shall be put up by the manufacturer for sale in packages of 1 and 2 pounds, respectively, and in no other or larger or smaller package; and upon every print, brick, roll, or lump of oleomargarine, before being so put up for sale or removal from the factory, there shall be impressed by the manufacturer the word "Oleomargarine" in sunken letters.

Also that it be wrapped with paper on which that terrible word shall be printed, and that all boxes or crates containing these packages shall bear the same word of awful warning, and that the Commissioner of Internal Revenue prescribe the size of all these letters and any additional marks and brands he may deem necessary.

Surely all this ought to furnish ample protection to the unsophisticated. The manufacturer can not deceive the wholesale dealer; the latter can not deceive the retail dealer. The purchaser can not be deceived. Only the wicked hotel, restaurant, and boarding-house keepers can get a chance to make their patrons think hog fat or oil fat is cream fat. Then the measure proposed by the majority report must be intended only to restrain these outlaws. If they need such restraint, why limit it to butter and oleomargarine? Why not compel them to have tags and brands and certificates on their lean as well as on their fat hog? And why fail to pursue the villains when administering bread, coffee, vinegar, sirup, red and black pepper, salt, and mince pie? The vigilant majority of the Committee on Agriculture should not neglect mince pie, sausage, and hash—the great mysteries of the boarding-house, restaurant, and hotel tables. If butter is sacred, with what reverence should not the bigotry of conservatism bow before and protect these three gods of the table, who or which are always shrouded in mystery and are always taken on faith.

We have a word in our language, Mr. Speaker, peculiarly applicable to this bill. It is "bosh." The Grout bill ought to be called "the bosh bill." At a former time the butter monopoly tried to control the markets of Holland and England. Oleomargarine was then unknown. The butter monopoly imposed on the consumers a corrupt product shipped chiefly from Boschengarten, in the Netherlands. The popular struggle with the pronunciation of the name of the place resulted in designating the corrupt commodity simply "Bosh," a word which in the lapse of time has acquired a large but still specific significance. For obvious

reasons, therefore, the Grout bill—a bill to create a butter monopoly, much of it bad butter—ought to be known as “the bosh bill.” And I believe that some of the gentlemen who are now advocating the bill will admit hereafter, on reflection, that their arguments in support of it were largely composed of “bosh.”

After all that has been said is duly considered, these facts, in my judgment, remain undisputed:

First. Butter is not uniformly good. It comes to the market, to the dealer, and, finally, to the table reflecting the good or bad condition of the cows from whose milk it has been made and the cleanliness or the negligence, the ability or the inability, of its maker.

Second. Butterine is almost uniformly good. It is made systematically and scientifically. Its manufacture is guarded by strict supervision.

Third. Butterine is healthful and nutritious.

Fourth. Butterine is a perfect substitute for the very best butter.

Fifth. Its manufacture brings that class of food within the means of hundreds of thousands who could not afford to buy if the demand for such food depended solely on the butter supply. Its price is reasonable. Thus it prevents monopoly and extortion by keeping the price of butter at figures which enable the poor to procure one or the other of these commodities.

Sixth. It is a great boon to hunters, miners, woodsmen, soldiers, and sailors, because it keeps much longer than butter can be kept. The unhealthy and uncleanly ingredients, if any, in the raw materials from which it is manufactured are removed and excluded with a certainty unattainable in the manufacture of butter, in view of the variety of butter makers and the equally great variety of their methods, characteristics, and experience.

Seventh. Its manufacture creates demand for various farm products, not limited to the yield of any class or section, and, therefore, is of advantage to the agriculturists of the country as a whole.

For these and other reasons which might be given, if the time kindly allotted to me was not so limited, I heartily favor the substitute bill proposed by the minority and trust the bill proposed by the majority will be defeated.

I am indebted to the minority report of the Committee on Agriculture for the following extracts from the opinions of the distinguished professors heretofore quoted:

Prof. C. F. Chandler, professor of chemistry at Columbia College, New York, says: “I have studied the question of its use as food, in comparison with the ordinary butter made from cream, and have satisfied myself that it is quite as valuable as the butter from the cow. The product is palatable and wholesome, and I regard it as a most valuable article of food.”

Prof. George F. Barker, of the University of Pennsylvania, says: “Butterine is, in my opinion, quite as valuable as a nutritive agent as butter itself. It is perfectly wholesome, and is desirable as an article of food. I can see no reason why butterine should not be an entirely satisfactory equivalent for ordinary butter, whether considered from the physiological or commercial standpoint.”

Prof. Henry Morton, of the Stevens Institute of Technology, New Jersey, says: “I am able to say with confidence that it contains nothing whatever which is injurious as an article of diet, but, on the contrary, is essentially identical with the best fresh butter, and is superior to much of the butter made from cream alone which is found in the market. The conditions of its manufacture involve a degree of cleanliness and consequent purity in the product such as are by no means necessarily or generally attained in the ordinary making of butter from cream.”

Prof. S. W. Johnson, director of the Connecticut Agricultural Experiment Station and professor of agricultural chemistry in Yale College, New Haven, says: “It is a product that is entirely attractive and wholesome as food, and one that is for all ordinary and culinary purposes the full equivalent of good butter made from cream. I regard the manufacture of oleomargarine as a legitimate and beneficial industry.”

Prof. S. C. Caldwell, of Cornell University, Ithaca, N. Y., says: “While not equal to fine butter in respect to flavor, it nevertheless contains all the essential ingredients of butter, and since it contains a smaller proportion of volatile fats than is found in genuine butter, it is, in my opinion, less liable to become rancid. It can not enter into competition with fine butter, but so far as it may serve to drive poor butter out of the market its manufacture will be a public benefit.”

Prof. C. A. Goessmann, of Amherst Agricultural College, says: “Oleomargarine butter compares in general appearance and in taste very favorably with the average quality of the better kinds of dairy butter in our markets. In its composition it resembles that of ordinary dairy butter, and in its keeping quality, under corresponding circumstances, I believe it will surpass the former, for it contains a smaller percentage of those constituents which, in the main, cause the well-known rancid taste and odor of a stored butter.”

Prof. Charles P. Williams, professor in the Missouri State University, says: “It is a pure and wholesome article of food, and in this respect, as well as in respect to its chemical composition, fully the equivalent of the best quality of dairy butter.”

Prof. J. W. S. Arnold, professor of physiology in the University of New York, says: “I consider that each and every article employed in the manufacture of oleomargarine butter is perfectly pure and wholesome; that oleomargarine butter differs in no essential manner from butter made from cream. In fact, oleomargarine butter possesses the advantage over natural butter of not decomposing so readily, as it contains fewer volatile fats. In my opinion, oleomargarine is to be considered a great discovery, a blessing for the poor, and in every way a perfectly pure, wholesome, and palatable article of food.”

Prof. W. O. Atwater, director of the United States Government Agricultural Experiment Station at Washington, says: “It contains essentially the same ingredients as natural butter from cow's milk. It is perfectly wholesome and healthy and has a high nutritious value.”

Prof. Henry E. Alvord, formerly of the Massachusetts Agricultural College, and president of the Maryland College of Agriculture, and now Chief of the Dairy Division of the United States Department of Agriculture, and one of the best butter makers in the country, says: “The great bulk of butterine

and its kindred products is as wholesome, cleaner, and in many respects better than the low grades of butter of which so much reaches the market.”

Prof. Paul Schweitzer, Ph. D., LL. D., professor of chemistry, Missouri State University, says: “As a result of my examination, made both with the microscope and the delicate chemical tests applicable to such cases, I pronounce butterine to be wholly and unequivocally free from any deleterious or in the least objectionable substances. Carefully made physiological experiments reveal no difference whatever in the palatability and digestibility between butterine and butter.”

Professor Wiley, Chief of the Division of Chemistry of the United States Department of Agriculture, also appeared before the committee and testified to the nutritive and wholesome qualities of oleomargarine.

The Committee on Manufactures of the United States Senate, in a report dated February 28, 1900, finds, from the evidence before it, “that the product known commercially as oleomargarine is healthful and nutritious.”

Judge Hughes, of the Federal court of Virginia, in a decision says:

“It is a fact of common knowledge that oleomargarine has been subjected to the severest scientific scrutiny and has been adopted by every leading government in Europe as well as America for use by their armies and navies. Though not originally invented by us, it is a gift of American enterprise and progressive invention to the world. It has become one of the conspicuous articles of interstate commerce and furnishes a large income to the General Government annually.”

Believing that this testimony establishes beyond controversy that oleomargarine is a nutritious and wholesome article of food, the main question to be considered is the complaint that fraud is practiced in its sale.

Mr. TAWNEY. Mr. Speaker, the bill under consideration concerns on the one hand at least 70,000,000 consumers and 5,000,000 producers or makers of butter, while upon the other hand it affects 26 manufacturers of oleomargarine, engaged in the manufacture of counterfeit butter, depending principally upon lawbreaking, falsehood, deception, and fraud for their success.

Oleomargarine is the outgrowth of a necessity for a substitute for butter during the siege of Paris. Thereafter it was introduced into the United States through our Patent Office, the inventor receiving a patent therefor.

It was not at that time supposed that it could be successfully manufactured and sold for butter or that the purchaser and consumer could be deceived or made to believe that he was purchasing butter when buying this spurious product. In this, however, the public was mistaken. The manufacture and sale of oleomargarine for butter increased so rapidly that in 1886 it seriously menaced the public health and demoralized the open market for the sale of butter to such an extent that a universal demand came from the people for the enactment of legislation to prevent the serious consequences thus threatened by the deception and fraud practiced upon the people in the manufacture and sale of this product. The law thus enacted is to-day commonly known as the oleomargarine law. It was in the interest of the public health, in the interest of honesty in the production and fair dealing in the sale of a product intended for human consumption, and also for the protection of the farmer and the dairyman against fraudulent and illegitimate competition that it was enacted. Although it has been upon our statute books for more than fourteen years, its constitutionality has never been successfully assailed.

GROWTH OF THE OLEOMARGARINE INDUSTRY UNDER EXISTING LAW.

The year following the enactment of this law there were manufactured only 21,000,000 pounds of oleomargarine. During the last fiscal year there were manufactured 107,000,000 pounds, the increase in the last two years being 50,000,000 pounds. If this rate of increase continues for a period of twelve or fifteen years, the market of the farmer for the sale of butter at a reasonable profit will be so demoralized, if not destroyed, that the dairy industry, one of the greatest industries of our country, will be practically ruined, while the public health will be constantly menaced by the opportunity which the manufacturers of oleomargarine always have of using materials in the manufacture of their product that are deleterious to health.

OLEOMARGARINE NOT SOLD OR CONSUMED FOR WHAT IT IS.

If oleomargarine was sold to those who eat it as oleomargarine or as a substitute for butter, and its sale and consumption increased at the marvelous rate it has in the past few years, that would be proof positive that the people prefer it as a butter substitute. In that case it would have a right to enter the market in open competition with butter, free from all taxes or other legal restrictions, and it would be wrong to enact this proposed legislation. But the evidence is conclusive—in fact, it is admitted by the friends of oleomargarine upon this floor—that it is not so sold to the consumer for what it is. It therefore enters the market in competition with butter in the same manner and for the same purpose that counterfeit money is placed in circulation by the counterfeiter and his willing coadjutors.

In spite of every provision of the existing law and of every regulation of the Department intended to compel manufacturer and dealer in oleomargarine to inform the consumer and purchaser of its true character, it continues to enter the market to-day and is sold and consumed as butter, and in the garb of that which it is not. This clearly constitutes a fraud, and this fraud is magnified by the fact that this product is purchased, not for what it is worth, but at a price for which pure butter can be obtained. It is consumed by the patrons of our restaurants, boarding houses, and hotels, not as oleomargarine, for no living man has ever eaten a

meal at either one of these places who has been known to call for oleomargarine instead of butter. It is thus consumed without any knowledge whatever on the part of the consumer that it is not butter or that it is merely a combination of by-grease products or a product of the chemical laboratory.

THE CAUSE OF THE FAILURE OF THE PRESENT LAW.

As I have attempted to show, the purpose of the existing law was to protect the public health against a combination of this character manufactured out of material that might be injurious to health and also to protect the consumers and makers of butter against the fraud and illegitimate competition of the manufacturers and dealers in this product. It was supposed at that time that this would be accomplished by the imposition of a tax of 2 cents a pound on oleomargarine and by placing its manufacture and sale under the supervision of the Internal-Revenue Department of the Government. Our experience, however, teaches us that these purposes of the law have not been fully accomplished. As a revenue-producing measure it has proved a success. During the last fiscal year we collected \$2,543,785.18 from this source. But that fraud and deception are being practiced continually upon the consumer and producer of butter is admitted in this controversy.

If we stop for a moment and consider the fact that the Internal Revenue Department of the Government is one of those arms of the public service charged with the function of collecting the revenue of the Government, and that it does not possess the necessary facilities for policing the manufacture and sale of any product beyond the enforcement of the revenue provisions of Federal laws, we will readily see why the present oleomargarine law has failed to accomplish some of its most important purposes. As the late Commissioner of Internal Revenue often said to me, "My department of the Government is a revenue-collecting department, not a police department. So that when the revenue is collected this department does not and can not see to the enforcement of those provisions of this law and the regulations intended to protect the public from fraud and deceit."

THE PURPOSE OF THE PENDING MEASURE.

In addition to the matter of revenue, the bill under consideration is intended, as far as possible, to remedy this defect in the present oleomargarine law by making definite and certain the right of the State, independent of the question of interstate commerce and the original-package decisions of the Supreme Court of the United States, to regulate the manufacture and sale of oleomargarine, and by removing the inducement for the violation of State laws and the practice of fraud and deception upon the general public by making the enormous profits in the illegitimate part of the business so small that dealers will not take the risk of incurring the penalties incident to a violation of State law by selling, as they now are, oleomargarine in violation of the laws of their States.

During the discussion upon the pending measure it has been claimed on the part of the friends of oleomargarine that this bill will not remedy the evils which it is admitted on both sides exist, but that the substitute bill reported by the minority of the Committee on Agriculture is the one which should be adopted.

FRAUD IN THE MANUFACTURE AND SALE OF OLEOMARGARINE ADMITTED.

We are fortunate, Mr. Speaker, at the close of this debate, in that there is no controversy among us as to the fact that fraud and deception are practiced by the manufacturers and dealers in this product. In fact, this was admitted by the champion of the oleomargarine interests [Mr. LORIMER].

Mr. LORIMER. I would like to ask the gentleman from Minnesota a question.

The SPEAKER. Does the gentleman from Minnesota yield to the gentleman from Illinois?

Mr. TAWNEY. I do.

Mr. LORIMER. The gentleman just made a statement that we admitted that fraud is practiced in the manufacture and sale of oleomargarine. Now, I would like to ask the gentleman—

Mr. TAWNEY. I will amend that remark by saying that the gentleman from Illinois confined his admission to the sale of oleomargarine.

Mr. LORIMER. Not by the manufacturer?

Mr. TAWNEY. Not by the manufacturer, so far as the gentleman's admission is concerned. It is only in the sale of oleomargarine that fraud is practiced.

It being conceded, therefore, that fraud is practiced in the sale of this product, the only question between us is what is the best remedy for this admitted evil. Which of these two measures will be most successful in stamping out the fraud and deception it is conceded is now practiced on the public, the one proposed by the majority of the Committee on Agriculture or the one proposed by the minority, which is the substitute offered for the Grout bill?

Mr. NEVILLE. I would like to make a suggestion with regard to the question just asked the gentleman.

Mr. TAWNEY. Certainly.

Mr. NEVILLE. Is it not true that when the manufacturer manufactures oleomargarine colored in semblance of butter and sells it to his customers in the States where the colored oleomargarine is prohibited the manufacturer is just as fraudulent as the seller?

Mr. TAWNEY. Unquestionably he is, and he carries on the business of selling his product in defiance of the laws of these States and induces citizens of these States to violate the laws of their States in the hope thereby of reaping an enormous profit out of the fraud thus practiced—just like the maker of counterfeit money; the practice and its purpose are the same in both cases.

THE PROPOSED SUBSTITUTE FOR THE GROUT BILL.

In view of the fact that the opponents of the Grout bill appeal to this House with so much fervor and eloquence in behalf of this substitute measure, I want to address myself to it for just a moment.

It was prepared either by the manufacturers of oleomargarine or their friends. It is another case of the Greeks bearing gifts. For that reason alone it is stamped with suspicion and should be scrutinized with the utmost care. It is the oleomargarine people, not the dairyman, who ask for its passage. I would ask the representatives of the dairymen and the farmers upon this floor whether it is safe for us, in trying to secure legislation to protect their rights and interests and also to protect the consumers of butter from fraud and deception, to rely upon legislation prepared specifically in the interest of those who are engaged in practicing the fraud and deception we are trying to stamp out?

This substitute first proposes to amend the existing law. The law now requires the dealer in selling oleomargarine to the consumer to inform the purchaser that he is buying oleomargarine and not butter. This it attempts to accomplish by requiring him to wrap the same in paper or put it up in any other package with the word "oleomargarine" plainly stamped or printed upon the outside covering of the package. This part of the existing law and regulations it is proposed to amend by requiring the manufacturer to make oleomargarine in not less than 1 nor more than 2 pound packages. The manufacturer is also required to wrap these 1 and 2 pound packages in the factory in wrappers, upon which must be printed the word "oleomargarine," and around this package he will then be required to place a 2-cent or a 4-cent revenue stamp. This package the substitute defines as the "original package." It then provides that it must be sold by the dealer in this legally defined "original package." It is true the manufacturer is authorized to pack these packages thus defined as the original packages in crates or other larger packages, but, nevertheless, the 1 and 2 pound packages are the statutory original packages until they reach the hand of the consumer.

This would enable the manufacturer to carry his product in these statutory original packages as interstate commerce into every State in the Union, and either through his agent or the dealer or retail merchant deliver them to the customer in defiance of the laws of any State, heretofore or hereafter enacted, prohibiting the manufacture and sale of oleomargarine colored in semblance of butter. This would afford absolute protection against the laws of any State. On the face of it it would seem impossible to practice a deception upon the purchaser, and the freedom of commerce among the States which the Supreme Court of the United States has always upheld in the absence of fraud and deceit would protect oleomargarine sold in these statutory defined "original packages" in the color of butter, notwithstanding the prohibitory laws of the States.

In the State of New York the manufacturers of oleomargarine to-day, by reason of the force of inspectors which that State employs under its laws on this subject to protect the consumers and producers of butter from fraud and deception, are unable to sell more than 500,000 pounds of their product a year. Under this substitute they would be able to flood that State with their product, notwithstanding the State law. This would be so because the Federal statute has defined the original package and ostensibly provides against deception as to its contents, and it is also provided that the form of that package shall not be changed until it reaches the consumer.

I am aware that the friends of this substitute claim that there will be no opportunity whatever to practice fraud or deceit in the sale of oleomargarine under this substitute, because, as they say, it goes into the hand of the consumer with all the information plainly stamped upon it as to its character or as to what it is; but they do not inform this House of the fact that when the Internal-Revenue Department of the Government has collected the revenue from the manufacturers that department of the Government has no further interest in the enforcement of this law, and the retail dealer could violate the same with impunity by removing the outside covering and with his butter paddle remove the indented word on the product itself, and then sell this oleomargarine, in 1 or 2 pound packages, or in any form he sees fit, as butter.

APPLICATION OF CERTAIN SECTIONS OF REVISED STATUTES OMITTED.

There is another very important fact in connection with this substitute. Section 3 of the original oleomargarine law enumerates eleven sections of the Revised Statutes of the United States, and then makes these sections, which were originally intended to apply only to the manufacture and sale of tobacco, cigars, and distilled spirits, applicable to the manufacture of oleomargarine. These sections are 3232 to 3243, inclusive. Upon examining section 3, as proposed by the substitute, it will be found that for some reason or another these eleven sections relating to penalties and other provisions to which the manufacturers of oleomargarine have heretofore been obliged to conform have been omitted. It is significant, is it not, that these gentlemen bring in a substitute for the Grout bill in the form of an amendment to the existing oleomargarine law and omit to reenact that provision of section 3 of the present law which, as that section now stands, subjects every manufacturer of oleomargarine to the provisions of the sections referred to?

If I had the time I would read these sections, which might explain the cause of their being omitted. Every lawyer on this floor knows that if this substitute is adopted the law will hereafter be as it is declared in sections 3 and 6, as proposed in the substitute, and that sections 3 and 6 of the present law, or any part of them not reenacted, will no longer have any force or effect. Therefore, by implication, that provision of section 3 of the present law, which makes these eleven sections of the Revised Statutes applicable to the manufacture and sale of oleomargarine and which it was deemed necessary at that time, will be repealed.

Mr. LORIMER. Will the gentleman yield for a moment?

Mr. TAWNEY. No; I will not.

I want to read the language of the substitute—

Mr. LORIMER. The only thing I wanted to say—

Mr. TAWNEY. The enacting clause of the substitute is this:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections 3 and 6 of an act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, be amended so as to read as follows.

Then follows the language of the proposed substitute for section 3 of the present law, and which singularly makes no reference whatever to the eleven sections of the Revised Statutes now applicable to the manufactures of oleomargarine under the original oleomargarine act.

Mr. LORIMER. Right there—

Mr. TAWNEY. By the passage of that substitute you repeal the application of those sections of the statute to the manufacturers of oleomargarine.

Mr. WADSWORTH. The gentleman from Minnesota I know does not wish to do an injustice.

Mr. TAWNEY. Certainly not.

Mr. WADSWORTH. I ask, then, that the gentleman yield to the gentleman from Illinois [Mr. LORIMER].

Mr. TAWNEY. I have only a few moments, and do not want to yield any of my time.

Mr. LORIMER. Only one moment.

Mr. TAWNEY. If I have made any misstatement of fact or of law I will yield.

Mr. LORIMER. I simply want to suggest that if we have omitted any provision of legislation that should have gone into this substitute, the minority of the committee stand prepared to accept any amendment that will throw all necessary safeguards around that substitute.

Mr. TAWNEY. It is singular, however, that it was at least attempted on the part of those who prepared this substitute to pass this substitute without any reference to this omission or without any explanation.

From this hasty analysis of the proposed substitute it must be evident to every man upon this floor that its passage as an amendment to the existing oleomargarine act, instead of preventing fraud and deception, instead of protecting the dairy interests of this country against the illegitimate competition of the oleomargarine manufacturers, would have just the opposite effect, while it would also relieve these manufacturers of counterfeit butter from many of the penalties which are now imposed for the violation of certain statutes and regulations intended to protect the public and the revenues of the Government.

THE PURPOSE OF GROUT BILL EXPLAINED.

Now, Mr. Speaker, let us briefly examine the provisions of the Grout bill for the purpose of ascertaining whether or not it will be likely to meet the evil complained of. This bill contemplates the accomplishment of three things.

First. It is proposed to take away from oleomargarine colored as butter, which is to-day branded as an outlaw in 32 States of the Union, the protection it now enjoys within these States under the interstate-commerce law and the original-package decisions of the Supreme Court of the United States. This is accom-

plished by subjecting this outlawed product to the laws of the State immediately upon its coming within the jurisdiction of that State.

Second. It is proposed, as an evidence of good faith on the part of the friends of the dairymen, to enable the manufacturer of oleomargarine the opportunity of manufacturing and selling his product in its natural color and under more favorable circumstances than he can under existing law. This is accomplished by reducing the tax on oleomargarine manufactured and sold in its own color or in any other color than that of butter, 87½ per cent, or from 2 cents to one-fourth cent per pound.

Third. It is proposed to increase the tax on oleomargarine, when colored as butter, from 2 cents to 10 cents per pound, or, in other words, it is proposed to tax the artificial coloring matter in oleomargarine, thereby taking away a part of the enormous profit in the business as now carried on, and which constitutes the inducement for the willful lawbreaking, deception, and fraud now practiced by those engaged in it.

PECULIARLY A MATTER FOR REGULATION.

The argument has frequently been made that this is not a matter for Federal regulation; that the right to regulate the manufacture and sale of food products is one that belongs peculiarly to the States, and that the States have it within their power to protect their citizens from frauds and impositions of this kind. Thirty-two States of the Union have enacted laws prohibiting the manufacture and sale of oleomargarine colored in the semblance of butter. These States have 285 members on the floor of this House. In the exercise of their power they have endeavored to accomplish what the friends of oleomargarine say they have a right to do, but the experience of the people within these States proves conclusively that the State can not successfully regulate this matter. As long as this product can be shipped into the State and there sold under the protection of the original-package decisions of the Supreme Court of the United States, the laws of these States will continue to be ineffective.

Are we, therefore, in favor of sustaining the laws of our own States by enacting the first section of the Grout bill, or are we going to vote in favor of continuing the opportunity to the manufacturers of oleomargarine and their agents to break down and defy these laws enacted and approved by the people who have sent us here?

ALL DOUBT AS TO WHETHER OLEOMARGARINE CAN BE SOLD AS AN ARTICLE OF COMMERCE IN VIOLATION OF STATE LAW SHOULD BE REMOVED.

During the fiscal year ending June 30, 1899, 62,000,000 pounds of oleomargarine were sold in the thirty-two States that have by law absolutely prohibited its manufacture and sale in the color of butter. That this was all sold in the color of butter, and 90 per cent of it sold as butter, is established beyond dispute by the evidence taken before the Committee on Agriculture.

By enacting the first section of the so-called Grout bill we will make this product subject to the laws of these States the moment it enters any of them, and in that way fully accomplish what the friends of the oleomargarine manufacturers say the State has the right to do with respect to the manufacture and sale of any food product. The precedent for this section of the bill will be found in what is commonly known as the Wilson law, enacted some years ago for the purpose of giving full force and effect to the prohibitory laws of the State of Iowa in the manufacture and sale of intoxicating liquor, which law was thereafter sustained by the Supreme Court of the United States.

The friends of the Grout bill have no desire whatever to destroy the legitimate part of the oleomargarine industry; that is, the manufacture and sale of oleomargarine in its own color.

If it is as wholesome, as sweet, and as toothsome as its friends upon this floor claim, the coloring matter which is used for the purpose of deceiving the public and the consumer adds nothing whatever to its flavor nor to its nutritive qualities. Certainly any man who desires to purchase and consume oleomargarine as a substitute for butter would not hesitate to do so if it lacked this coloring matter, which adds nothing whatever to its quality. Therefore the manufacturer of oleomargarine, under the Grout bill, will have the same opportunity he has to-day of doing a legitimate business by manufacturing and selling his product for what it is, for when it is manufactured and sold in its own color none can be deceived, as the color is pure white. A business that can not be successfully conducted if conducted legitimately has no right to be conducted at all, or in fraud of the rights of the public

TO PROTECT THE CONSUMERS OF OLEO.

Then, again, this provision of the Grout bill will protect those who have here to-day eulogized in such eloquent terms the virtues and nutritious qualities of oleomargarine from being imposed upon by the farmer, who, if oleomargarine is colored as butter, may impose butter upon them for oleomargarine.

If the manufacturer of oleomargarine is compelled to sell his product in its natural color, certainly no farmer can deceive my

distinguished friend from Ohio [Mr. GROSVENOR] or my distinguished friend from Mississippi [Mr. WILLIAMS] [laughter] by selling them butter for oleomargarine, and I take it that neither of them would eat butter if they can possibly obtain that product manufactured from garbage, offal, soap grease, and other by-grease products called oleomargarine. [Applause.] If they want to eat oleomargarine, if it is so delicious in flavor and so nutritious in quality, they will have the opportunity, in the event of the passage of this bill, of enjoying their meals three times a day without the danger of being imposed upon by the producer and seller of pure butter, which can not be colored white to represent oleomargarine even if the farmer wanted to practice a fraud of that kind upon them.

Mr. WILLIAMS of Mississippi. Will the gentleman yield a moment?

Mr. TAWNEY. I have not the time.

Mr. WILLIAMS of Mississippi. Just one moment. I understand that while I was out the gentleman said that the substitute repealed, or virtually repealed, the act of 1886, except the sections which are repeated here.

Mr. TAWNEY. No; the gentleman is entirely mistaken. He has been misinformed. I made no such statement.

Mr. WILLIAMS of Mississippi. I wanted to correct such a statement if it had been made.

Mr. TAWNEY. I say, therefore, we propose to reduce the tax on oleomargarine when manufactured and sold in its own color or when manufactured and sold in any other color than that of butter. And instead of destroying a so-called legitimate industry we will promote the legitimate part of that business by reducing the tax on this product, when manufactured and sold for what it is, from 2 cents to one-fourth cent per pound.

PROTECTION TO THOSE WHO WANT TO EAT BUTTER.

But, Mr. Speaker, there is another class of people who are as much entitled to protection against fraud and deception as are those distinguished gentlemen who have spoken so eloquently to-day of oleomargarine. That class consists of 70,000,000 of American people who desire to eat butter and to know when they are purchasing and eating the same that it is not a counterfeit nor a spurious article, and that it is not a product resulting from a combination of by-grease products, and possibly containing substances that are absolutely deleterious to health. Hence that provision in the bill now under consideration which imposes a tax of 10 cents a pound on oleomargarine manufactured and sold in the natural color of butter. In opposition to this provision it is claimed that the farmers and dairymen color their butter, and this fact is used as a justification for permitting the manufacturers of oleomargarine to color oleomargarine.

Assuming that it is true that some makers of butter do color their butter, those who make this claim ignore the important fact that the farmer and dairyman who color their butter do not do so for the purpose of enabling their product to pass current for that which it is not, while the manufacturer of oleomargarine colors his product for no other purpose than that of enabling those who are engaged in the sale of butter to sell oleomargarine as butter and at butter prices. The dairyman who colors his butter does not thereby change the character of his product at all. It is still butter, while the manufacturer of oleomargarine colors his product for the express purpose of changing the character of the same in the estimation of the consumer. In the one case coloring matter is used simply to suit the fancy of the consumer, while in the other case coloring matter is used for the purpose of enabling the product to be sold for what it is not, thereby practicing deception and an absolute fraud upon the public. The distinction, therefore, between the purposes for which coloring matter is used should be kept constantly in mind; the one is legitimate, the other illegitimate.

When before the Committee on Agriculture, one of the manufacturers of oleomargarine, Mr. W. E. Miller, representing Armour & Co., Kansas City, Kans., frankly admitted that in its natural color oleomargarine could not be sold, or at least could not be sold to any extent that would make the business at all profitable. He said:

Representative BAKER. How large a percentage of your production of oleomargarine or butterine is uncolored?

Mr. MILLER. Uncolored? We make practically no uncolored butterine at all. There is no demand for it.

Representative BAKER. It is sold to some extent?

Mr. MILLER. Very little. I do not suppose we make 2,000 pounds of uncolored butterine a week. When the prohibitive laws went into effect in Missouri and Iowa and a number of other States we tried to do some uncolored butterine business, but we could not sell the product at all.

It is evident, therefore, that the opposition to this feature of the bill under consideration comes from the fact that to-day the business of manufacturing and selling oleomargarine thrives only because it is sold to those who are unable to distinguish between colored oleomargarine and pure butter. To do this successfully it must be sold practically at butter prices; otherwise the price

would be so low that the purchaser or consumer would know at once that it was not genuine butter.

IT IS OUR DUTY TO PROTECT THE PUBLIC AGAINST FRAUD WHEN WE CAN.

I maintain, therefore, that if it is possible for Congress in the interest of the public health, in the interest of honesty and fair dealing in a product intended for human consumption, to so legislate as to put a stop to the fraud which is to-day practiced upon the people in the sale of oleomargarine, that it is our duty to do so, and I also maintain that by the imposition of a tax of 10 cents a pound on the coloring matter used in oleomargarine for the purpose of deceiving will go as far as anything possibly can in that direction. The original cost of oleomargarine, according to the testimony both in court and before the committee, including the 2-cent tax, is only 8 cents a pound. It is sold to the retail dealer at from 12 to 15 cents a pound, and by the retailer dealer is sold to the consumer at from 25 cents to 30 cents, accordingly as the price of butter varies in the different markets.

Swift & Co., of Chicago, in a brief say:

The average price of the cheapest grade of oleomargarine for the year ending December 31, 1899, was exactly 10½ cents per pound.

This is the price charged by both manufacturers and jobbers to the retail dealer. The manufacturers, in offering their product to the retail dealer, hold out as an inducement the fact that their product is of such quality and is such a perfect imitation of butter that it can be sold at butter prices. In a circular sent the Chicago trade October 23, 1898, William J. Moxley, the largest manufacturer of oleomargarine in the United States, says, among other things:

Your profit will be double the amount made from the butter you are now handling, and your butter trade will be more satisfied if you will sell them such butterine as you can buy from me.

Or again, under date of March 17, 1899, Messrs. Braun & Fitts, of Chicago, sent to the trade a circular containing the following:

Now is your chance to build up a first-class trade by handling only first-class butterine. Eggs are selling at cost, but "The Only High Grade" will give you profit, so keep pushing its sale and build up a reputation for good butter.

They do not say, "Build up a reputation for good butterine," but for "good butter," thereby admitting that they are encouraging the retail dealer in practicing absolute fraud upon his customers.

In another circular which I have here, sent out by the Capital City Dairy Company, they represent to the trade that their butterine or oleomargarine should sell to the consumer at from 25 cents to 30 cents a pound. If, therefore, the dealer has the opportunity of buying butterine at an average of 10½ cents a pound, as stated by Swift & Co., and can sell that product for butter at from 25 cents to 30 cents a pound, here is a profit the size of which constitutes the inducement the dealer has for engaging in this fraudulent business and also the inducement for violating the laws of his own State which prohibit him from selling oleomargarine colored as butter. This profit would be so reduced by the imposition of a tax of 10 cents a pound that no retail merchant could afford to incur the risk of being punished for thus violating the laws of his own State, and if he had customers who wanted to buy or consume oleomargarine, he would buy it in its natural color and sell it for what it is. In this way the imposition of the tax of 10 cents a pound would stamp out the fraud that is now being practiced in the business of manufacturing and selling oleomargarine.

The gentleman from Illinois [Mr. LORIMER] claimed in his remarks that this 10-cent tax would operate to drive the oleomargarine manufacturers out of existence. This necessarily implies that oleomargarine can not be sold except when it is colored to resemble that which it is not, and yet he asserts that the bill under consideration will tend to encourage fraud in the sale of oleomargarine. If the effect of this measure will be to destroy the industry, it can not certainly encourage fraud.

THE MANUFACTURER PROTECTS THE DEALER.

The manufacturers of oleomargarine have themselves admitted before the Committee on Agriculture that they protect the dealers in the various States against the violation of the laws of their States. I have here a circular issued by Mr. Moxley, of Chicago, under date of August 2, 1899, in which he says to the trade:

We know exactly where we stand; we are properly advised on the subject, and now we make you a fair offer. Handle our goods as you always have; we in turn promise to guarantee full protection against the State law.

In other words, he says to the trade, "Sell our goods for butter, as you always have, and we will afford you full protection against the violation of the laws of your State."

Can any gentleman defend upon this floor or anywhere else any business or the men engaged in any business who will thus openly encourage the violation of law in the sale of their product or in the carrying on of their business by those whom they can induce to handle their product? It is an outrageous proposition, and it shows the extent to which men can be induced to go in the violation of a law for the purpose of reaping the enormous profit there is in the manufacture and sale of a counterfeit product or the

manufacture and sale of oleomargarine for butter and at butter prices.

THE ALLEGED INJURY TO THE CATTLE INDUSTRY.

But it is claimed by the opponents of this bill that its passage will work great harm and injury to those engaged in the cattle business, in that it will reduce the price of cattle \$2 per head. This claim rests entirely upon the supposition that all the material used in the manufacture of oleomargarine is furnished by cattle and the cattle raiser gets all the profit from the manufacture of oleo oil—a proposition that is absurd on the face of it. Let us assume that in the year 1899 5,000,000 head of cattle were slaughtered, which is a large estimate. During that year there were manufactured 83,000,000 pounds of oleomargarine.

According to the report of the Secretary of the Treasury, made to this House last May, it would be a very liberal estimate to say that one-third of the material used in the manufacture of this oleomargarine was oleo oil. Therefore there were consumed in the manufacture of these 83,000,000 pounds of oleomargarine 27,600,000 pounds of oleo oil, and it is also a very liberal estimate to say that all of this oleo oil is the product of tallow or the fat of cattle. But assuming that it was, this oleo oil was worth at a fair estimate 8 cents per pound. The value of the oleo oil entering into the manufacture of oleomargarine in the year 1899 was \$2,208,000, or 44 cents' worth of oil from each head of cattle killed in the slaughterhouses of the country that year.

Suppose the manufacture of oleomargarine were to cease in this country and in Europe, thus destroying the market for the sale of oleo oil. The material out of which it is manufactured would then be sold for tallow, which is worth more than half the price of oleo oil. In that case the 44 cents' worth of tallow now sold as oleo oil would sell for 22 cents as tallow, and the actual loss in the event of the destruction of this business would be 22 cents a head on every steer worth from \$30 to \$60. The evidence before the committee does not sustain the claim that oleo oil is manufactured entirely from tallow. It appears from letters in my possession, written by men who work in this business, that a great deal of it is manufactured from garbage, refuse, offal, and all by-grease products; so that the actual loss would be infinitesimal as compared with the loss that the dairymen sustain by reason of their being driven out of the market by the manufacturers of spurious butter, or by being compelled to sell genuine butter at prices that do not afford a reasonable profit.

Another fact worthy of our consideration is that it nowhere appears, and is not claimed by the friends of oleomargarine on the floor of this House, that the man who sells the steer derives any benefit whatever on account of the increased value of oleo oil over that of tallow. A steer is bought upon the basis of the price of meat in the open market and not upon the basis of the price for which oleo oil can be sold. Instead of the farmer getting the difference there is between the price of the tallow in the beef and oleo oil it goes to either the man who slaughters the beef or to the man who manufactures and sells oleo oil. Another fact worthy of our consideration is that less than one-third of the oleo oil manufactured in this country is consumed in the manufacture of oleomargarine. During the fiscal year 1900 we exported 150,000,000 pounds of oleo oil, and this business will continue hereafter as heretofore, for the bill under consideration in no way affects the business of manufacturing and selling oleo oil as such. So that the claim that this bill, if enacted into law, will injuriously affect the cattle raisers or dealers in cattle in this country rests upon nothing whatever except the desire of these cattle associations to aid the manufacturers of oleomargarine in their effort to build up their business in defiance of the laws of the State and at the expense of the dairy industry of this country, an industry with which they are not directly or indirectly connected.

MAGNITUDE OF THE DAIRY INDUSTRY OF THE UNION.

Aside from the protection which this bill will afford every consumer of butter against the frauds and deceptions now practiced upon him, it will also afford protection to that great industry in which more than 5,000,000 farmers of the United States are directly interested—the dairy industry.

According to the statistics of the Agricultural Department there is invested in dairying in the United States more than \$2,000,000,000. This includes the value of milk, cows, lands, and creameries. The production of butter the past year was 1,500,000,000 pounds, but it is estimated that only about 900,000,000 pounds of this was sold in the open market, the remainder being consumed by the producers. These statistics are amply verified by the magnitude of the dairy industry in the State which I have the honor in part to represent.

MINNESOTA'S DAIRY INDUSTRY.

For the number of its inhabitants, Minnesota is to-day the greatest dairy State in the Union. Not only in the magnitude of the industry does it excel, but it stands preeminent also because of the superior excellence of the butter manufactured by the dairymen of that State. It was the butter manufactured by

Samuel Haugdahl, of New Sweden, Nicollet County, Minn., that won the first prize at the Paris Exposition of 1900, and won it, too, in competition with the butter of the whole world; it was the butter manufactured by S. P. Bork, of Bixby, Steele County, Minn., that won the first prize at the Trans-Mississippi Exposition, at Omaha, in 1898; it was the butter of Thomas Milton, of St. Paul, Minn., that carried off the prize at Cedar Rapids, Iowa, in competition with the butter makers of the United States; and it was the butter of H. F. Snodergaard, of Litchfield, Minn., that won the prize for butter in the contest at Lincoln, Nebr., in 1899, with 700 competitors.

We have in our State 720 creameries, valued at \$2,880,000. These creameries have 54,600 patrons. Four hundred thousand cows contribute the milk manufactured by these creameries into butter. These cows are valued at \$12,000,000. Sixty-three million pounds of butter was the product of our creameries last year, and the value of that product was \$12,000,000. There was in addition to this 350,000 calves, valued at \$5,250,000. The value of the farm lands used for dairying, allowing 40 acres to each patron of the creameries, is \$65,525,000. The farm fixtures especially used in dairying in our State are worth \$5,640,000, allowing only \$100 for each dairy farm. The total investment in the creamery and butter industry of Minnesota is therefore \$35,860,000. Taking the butter yield, value of calves, value of surplus skim milk for feeding purposes, the annual income on this investment to the farmers of Minnesota is \$19,600,000.

In addition to this we have, in the State of Minnesota, a farm dairying industry. The statistics furnished me by Prof. T. L. Haecker, of the State agricultural experiment station, show that in the farm dairying industry we have 385,000 cows, valued at \$11,550,000. The value of our dairy farms, allowing 5½ acres per cow, is \$63,525,000. The value of farm fixtures especially intended for dairying is \$5,000,000, making a total investment in the farm dairying industry of Minnesota of \$80,075,000 and an annual income to the farmers of the State from this branch of the dairy industry of \$15,000,000.

The grand total, therefore, of the investment in both branches of the dairying industry in the State of Minnesota is \$165,925,000, producing an income of \$34,600,000 per annum.

It must be apparent to everyone, therefore, from the magnitude of the dairy industry in Minnesota alone, that in the entire country this industry leads all others except agriculture. That the future growth and prosperity of this industry is seriously menaced by the manufacture and sale of a by-grease product for butter which can only be sold in the color of butter and is sold, too, in open violation of the laws of thirty-two States, deceiving and defrauding every man and woman who purchases it or who consumes it, supposing it to be that which it resembles, is apparent from the fact that about 14 per cent of the open-market demand for butter is to-day supplied by this spurious product and that its manufacture and sale is increasing at the rate of 25,000,000 pounds a year. There are only 26 manufacturers of oleomargarine in the United States, yet these 26 manufacturers are supplying this large percentage of the open market for butter in competition with 5,000,000 farmers. They are able to do this only because they color their product so as to resemble every shade of yellow demanded by the butter trade of the country, varying the shade to conform to the color of butter in the various seasons of the year, and then they override the laws of the States and deceive the public by selling their product to the consumer for the butter of the farmer. This is the business which distinguished gentlemen upon this floor tell us is a legitimate business and should be permitted to continue.

The product of these 26 oleomargarine factories for the fiscal year ending June 30, 1900, was 107,000,000 pounds of oleomargarine, or 53,500 tons, sufficient to fill 5,200 freight cars and make a train 35 miles in length. If this enormous quantity of oleomargarine went to the consumer as oleomargarine, or as a substitute for butter, there could be no legitimate complaint, for in that case it would be the result of the law of the survival of the fittest; but it was not. The testimony shows conclusively that 90 per cent of it was consumed by people who supposed they were eating butter and who paid butter prices for it.

METHODS EMPLOYED TO DEFEAT THIS MEASURE.

Not since I have been a member of this House has there been a more persistent or systematic effort to defeat any measure than there has been to defeat the Groat bill. Every means within the power of the oleomargarine people have been employed for that purpose. These people have not only employed every available means at their command here in Washington, but they have gone into the districts represented on this floor by men who have worked conscientiously and led in this fight from the beginning of the fight for the passage of the bill, and by the use of money, charges of bribery, and every other disreputable means sought their defeat.

The gentleman from New York [Mr. WADSWORTH] told us this afternoon how certain men connected with the National Dairy

Union tried to secure his defeat. There are others upon this floor who had to contend against the influence and power of the oleo people, that overshadows by far the opposition he met.

If I would relate to this House my own experience with the dastardly efforts of these counterfeiters to discredit me in the estimation of the people I have had the honor to represent upon this floor the past eight years, it would reveal the fact that in this fight these imposters, these law-breakers, like all other men engaged in the practice of fraud and deception for profit, have had no regard for truth, reputation, or character in matters affecting their interest.

THE FARMER AND THE FUTURE SAFETY OF THE REPUBLIC.

Mr. SPEAKER, the farmer does not often appear before Congress asking for legislation in his interest, but he is here now, and here in earnest. He is subjected to-day to that which no industry would quietly submit to—illegitimate and fraudulent competition.

The market for the sale of one of his most important products, which belongs to him as a matter of right, is seriously menaced. He demands protection against the loss of his legitimate market by the fraud practiced by the 26 manufacturers of oleomargarine in this country. The farmer is never aggressive, but always patient. He devotes his life to the production of those things which are relied upon for the sustenance of the people, and has, therefore, a primal right to be heard and to receive the relief which he demands by the passage of this bill. Every farmer is a stockholder in our Republic. As you protect and prosper him you add to the blessings of the whole people. Let Congress, therefore, do its duty to the farmer, who belongs to that large patriotic class of our people whose intelligent minds, rugged and patriotic hearts, are the impregnable fortress and safety of the Republic. [Prolonged applause.]

The SPEAKER. The time of the gentleman from Minnesota has expired, and the time for general debate under the order of the House is exhausted. The Clerk will now report the bill by paragraphs for debate and amendment under the five-minute rule. The Clerk read as follows:

SECTION 1. *Be it enacted, etc.,* That all articles known as oleomargarine, butterine, imitation butter, or imitation cheese, or any substance in the semblance of butter or cheese not the usual product of the dairy and not made exclusively of pure and unadulterated milk or cream, transported into any State or Territory, and remaining therein for use, consumption, sale, or storage therein, shall, upon the arrival within the limits of such State or Territory, be subject to the operation and effect of the laws of such State or Territory enacted into the exercise of its police powers to the same extent and in the same manner as though such articles or substances had been produced in such State or Territory, and shall not be exempt therefrom by reason of being introduced therein in original packages or otherwise: *Provided,* That nothing in this act shall be construed to permit any State to forbid the manufacture or sale of oleomargarine in a separate and distinct form and in such manner as will advise the consumer of its real character free from coloration or ingredient that causes it to look like butter.

[Mr. DAHLE addressed the House. See Appendix.]

The SPEAKER. The Chair will regard the amendment as withdrawn.

Mr. GROUT. Mr. Speaker, I move to insert after the word "Territory," in the tenth line, on the first page, and after the word "Territory," in line 7, on the same page, and also in line 1, on page 2 of the bill, after the word "Territory," the words "or the District of Columbia."

These were omitted in making up the bill.

Mr. WILLIAMS of Mississippi. If the purpose of the gentleman is to perfect the bill in that respect, the words to which he has referred ought to be inserted in line 9 also.

Mr. GROUT. The gentleman is doubtless correct. My eye did not catch the omission at the time. I move to insert these words, where it may be necessary, to complete the bill.

The amendment proposed by Mr. GROUT was agreed to.

Mr. BARTLETT. Mr. Speaker, I move to strike out the proviso in this paragraph.

The SPEAKER. The amendment proposed by the gentleman from Georgia will be read.

The Clerk read as follows:

Strike out all after the word "otherwise," in line 3, down to the end of the paragraph.

[Mr. BARTLETT addressed the House. See Appendix.]

Mr. GROUT. Mr. Speaker—

The SPEAKER. The Chair understands that the gentleman in charge of the bill has a correction to propose to the printed bill.

Mr. McCLELLAN. Is not the amendment of the gentleman from Georgia [Mr. BARTLETT] in order?

The SPEAKER. Does the gentleman from Georgia insist upon his amendment?

Mr. BARTLETT. Yes; most assuredly.

The question being taken on the amendment of Mr. BARTLETT, on a division (demanded by Mr. BARTLETT) there were—ayes 48, noes 117.

Accordingly the amendment was rejected.

Mr. GROUT. Mr. Speaker, in line 11 there is a misprint. The

word "in" is printed "into." I move to strike out "into" and insert "in."

The amendment was read, as follows:

In line 11, page 1, strike out "into" and insert "in."

The SPEAKER. Without objection, this correction will be made.

There was no objection.

Mr. GROUT. Mr. Speaker, another correction. The Clerk informs me that in the print, which he has, in line 5 the word "dairy" is printed "diary." In the reprint this morning it is correct, but it is necessary to make the correction in the copy which the Clerk has.

The SPEAKER. Without objection, the correction will be made.

There was no objection.

Mr. BUTLER. Mr. Speaker, there are two points of advantage to be gained by the passage of this bill—the one to suppress deceptive and counterfeit practices and the other to increase the revenues of the Government. Upon the former ground more than 7,000,000 people of this country, engaged in an industry of the value of more than five hundred millions each year, urge its passage. This unanimous appeal alone should move this body to a favorable consideration of the present bill, because it is not pretended—indeed, it can not be—that the appeal is without great merit and that the complaints are without just foundation. This universal demand of the butter producers should receive in this body immediate and conclusive favorable action, because good will come to them and no harm happen thereby to others. Legislation which defines the rights of people and describes the paths in which men shall operate can certainly do no harm, especially when it results, on the one hand, in stimulating and maintaining an honest industry, and, on the other, in the suppression of fraud and deceit.

It is not the intention of the advocates of this measure to take anything from the natural privileges of the people, nor to add one particle to the expense incident to their enjoyment. The passage of this bill will not increase the expenses of obtaining a commodity which anyone may desire. If oleomargarine is given its proper name, and given other than butter color when offered for sale, the revenue to be derived by this bill is reduced to the nominal sum of one-fourth of 1 cent per pound. This is not only a relief to the consumer, but a slight inducement to the manufacturer and the storekeeper to keep themselves honest. The assumed interest of the dealer in oleomargarine and its relations to secure it to the consumer as cheaply as possible is so beautifully generous that even the farmers are tempted to apologize for the hard feelings which they are accused of possessing. To this time it is not recorded in commercial history that the manufacturer of fatty substances had reason to manifest more benevolence than is usual to humanity.

The solicitude of these fellows for the rights of the consumers is not more real than the stuff which they make and permit to be sold under another name. They manufacture oleomargarine and sell it for butter because of the enormous profit resulting to them. If this bill did not interfere in some way with those profits, the poor of the country, for whose benefit this stir has been so well managed, might still look after their own rights and still continue as heretofore to provide their own suppers. The petitions and protests from the laborers of our and urging the defeat of this bill do not mean what they pretend to mean. As I take it, no sensible man means to petition this body to increase his cost of living or to decline to pass a law which would prevent the practices of fraud upon him. The provisions of this bill do not in any way change the ingredients of oleomargarine. They simply tend to compel the product to be kept and be known by its proper name. Oleomargarine will be cheaper and taste as good and suffice all its purposes as heretofore by the passage of this bill.

Why do the oleomargarine dealers insist upon giving their product the same color as that of butter made from milk and cream? One answer only can be made, and it is that they desire the product to look like butter. Why have it look like butter? is the natural question. The question answers itself: So that it may be mistaken for butter. It has always been the aim of oleomargarine manufacturers to make their product resemble in every way butter made from milk and cream. Their skill has enabled them to produce a material that defies the expert. Nothing short of an analysis will disclose the difference. The contention is made by those opposing the passage of this bill that the makers of butter have no right to the exclusive use of the color "yellow" and its various shades. By common consent, by long and continued usage, this color has become the property of the farmer, the dairyman, and the agriculturist. Trade, unfeeling as it may be, never thought of robbing him of his trade-mark, admitted to be his; and this Congress should be pleased to recognize his right and to assist him in its protection. The Supreme Court of the United States has held it to be within the range of legislative action to define the mode and manner in which everyone may so use his own as

not to injure others. This doctrine is not new, and is not misunderstood by anyone; a principle that is recognized in every State of the Union, and made the basis of the practical administration and regulation of its police powers in the control of domestic order.

I suppose that it will not be contended by anyone that the butter producer has a statutory right to the exclusive and accepted use of this color. No statute has been passed by any tribunal pretending to confer directly upon him such a privilege. But he has established his trade and identified his product by the use of the color "yellow and its shades," so that everyone consuming it would know from what it was manufactured. The color has always been the identifier. The color adopted for centuries was selected by both producer and consumer. It was selected to be used to distinguish butter made from unadulterated milk and cream from all other substances. It is as important to the pure-butter trade as any trade-mark can be which alone distinguishes and describes the commodity which it presents.

This great business which relies upon this trade-mark can not survive if imitators are allowed to enter its precincts. It is not only for the protection of the makers of butter, but for that of the consumer also that this bill is pressed to passage. If oleomargarine be manufactured free from coloration that "causes it to look like butter," this bill does not interfere with public or private rights nor produce hardships of any kind. The sale of oleomargarine is not only permitted thereby, but encouraged to the extent of a reduction in the internal-revenue tax. The restrictive part of the bill is "aimed at the designed and intentional imitation of dairy butter in manufacturing the new product."

The opposition to this bill can not conceal itself behind the pretended interest which it manifests for the tastes and desires of the consumer. The object in coloring oleomargarine is well described by Mr. Justice Harlan in delivering the opinion of the United States Supreme Court, in *Plumley v. Commonwealth of Massachusetts* (155 U. S. Reports, p. 223):

Now the real object of coloring oleomargarine so as to make it look like genuine butter is that it may appear to be what it is not, and thus induce unwary purchasers who do not closely scrutinize the label upon the package in which it is contained, to buy it, and as for butter produced from unadulterated milk or cream from such milk. The suggestion that oleomargarine is artificially colored so as to render it more palatable and attractive can only mean that consumers are deluded by such coloration into believing that they are getting genuine butter.

If any one thinks that oleomargarine, not artificially colored so as to cause it to look like butter, is as palatable or as wholesome for purposes of food as pure butter, he is, as already observed, at liberty, under the statute of Massachusetts, to manufacture it in that state or to sell it there in such manner as to inform the customer of its real character. He is only forbidden to practice, in such matters, a fraud upon the general public. The statute seeks to suppress false pretenses and to promote fair dealing in the sale of an article of food. It compels the sale of oleomargarine for what it really is by preventing its sale for what it is not.

The Massachusetts legislature had passed a law prohibiting the sale of colored imitation butter made from unadulterated milk or cream.

This language was used by Justice Harlan in determining whether this law was in conflict with the provision of the Constitution of the United States giving Congress the power to regulate commerce between the States. The court held that the State act in no way violated the Federal Constitution, and, moreover, that any one who endeavored to commit fraud upon the public could not use that document as a shield. The justice further said in the course of the opinion:

Can it be true that the Constitution of the United States secures to any one the privilege of manufacturing and selling an article of food in such manner as to induce the mass of people to believe that they are buying something which in fact is wholly different from that which is offered for sale? Does the freedom of commerce among the States demand a recognition of the right to practice a deception upon the public in the sale of any articles, even those that may become the subject of trade in different parts of the country?

After a most careful and elaborate review of all the cases decided in different States bearing upon the reservation of power committed to them to regulate and control commerce therein tending to permit the practice of deception upon the public, the justice disposed of the present case in the following forcible declaration of the rights of the people to protection against deceptive practices:

It has therefore been adjudged that the States may legislate to prevent the spread of crime, and may exclude from their limits paupers, convicts, persons likely to become a public charge, and persons afflicted with contagious or infectious diseases. These and other like things having immediate connection with the health, morals, and safety of the people may be done by the States in the exercise of the right of self-defense. And yet it is supposed that the owners of a compound which has been put in a condition to cheat the public into believing that it is a particular article of food in daily use and eagerly sought by people in every condition of life are protected by the Constitution in making a sale of it against the will of the State in which it is offered for sale, because of the circumstances that it is in an original package and has become a subject of ordinary traffic. We are unwilling to accept this view.

We are of the opinion that it is within the power of a State to exclude from its markets any compound manufactured in another State which has been artificially colored or adulterated so as to cause it to look like an article of food in general use, and the sale of which may, by reason of such coloration or adulteration, cheat the general public into purchasing that which they did not intend to buy. The Constitution of the United States does not secure to anyone the privilege of defrauding the public. The deception against which

the statute of Massachusetts is aimed is an offense against society, and the States are as competent to protect their people against such offenses or wrongs as they are to protect them against crimes or wrongs of more serious character; and this protection may be given without violating any right secured by the national Constitution and without infringing the authority of the General Government. A State enactment forbidding the sale of deceitful imitations of articles of food in general use among the people does not abridge any privilege secured to citizens of the United States nor, in any just sense, interfere with the freedom of commerce among the several States.

I have heard no one dispute the proposition that the sale of oleomargarine in imitation of butter is a fraud, and that those guilty of the practice are amenable to punishment in courts of justice. Why, then, should there be such an effort made to enable the makers and sellers of oleomargarine to deal in their imitation product? Why should its advocates avow their purpose to maintain, through the failure of legislation, a business that has but two great objects—deception and enormous profits. The only way to secure to the farmer the protection he demands is to separate butter and oleomargarine from each other. The only way to protect the general public from the results of deception and cheating is to require these two products to maintain different colors. It is not the purpose of this bill or its advocates to keep butter and oleomargarine from the same market stall. The butter dealer does not demand permission to color his product in imitation of any color which the oleomargarine dealer may select; he demands protection from the admitted wrongs of the latter; he asks to have continued possession of a property which he by great diligence and persistence has lawfully and in good conscience acquired.

The first section of the bill enables courts in the different States to enforce their laws against what is known as the original-package man. Nearly every State in the Union has a law either driving the butter imitator from the field or restraining him in his business, so as to afford the public the best possible protection. Prosecuting officers are oftentimes baffled in their attempts to enforce State laws because of their fear of crossing boundaries defining their jurisdiction. This provision, if it should become a law, will supply them with an assured power which nearly every defendant denies, and will relieve prosecutions from an embarrassment which nearly every offender seeks or threatens to inflict. State courts will then stand ready and fully equipped to execute statutes made to enforce its police powers in the regulation of its internal affairs and to restrain the noxious acts of its inhabitants.

The second section of the act in no wise licenses fraud or permits the sale of imitation food products. If the manufacturer insists upon coloring his product in imitation of butter he shall be compelled to pay to the Government 10 cents per pound for such colored commodity, subject to all the provisions of the act of Congress of August 2, 1886, entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine." These provisions are made to secure the public against imposition, and the oleomargarine manufacturer will still have to comply with them in addition to making the payment of a tax of 10 cents per pound. When oleomargarine reaches the boundaries of the State in which it is consigned, although it may have had on it a tax of 10 cents per pound, and although all the provisions of the act above referred to may have been complied with, the State authorities without interruption may seize it if it is in imitation of butter, provided a State law exists prohibiting its sale in that condition. Here is where the offender will find himself confronted by an obstacle which he has himself erected.

It may not be a sensible argument in support of this measure, nor of any service to its advocates, to recite the monstrous wrongs committed by the manufacturers and dealers in oleomargarine against the farmers, dairymen, creamery men, and agriculturists of my State and of my Congressional district. In the latter territory the farmer and the dairymen have lived and thrived since the day William Penn marked it for his own. The productions of the farm and the dairy have been to them a chief source of living at all times and have supplied Philadelphia, within a morning's trip, with the finest and most palatable luxuries. It stands an equal in agricultural and dairy products with any section of the United States, as an examination of the statistics of the Agricultural Department will show me justified in stating.

Here the farmer has always prided himself on his progress and has earned a reputation for high honor in the practice of his profession. He has always kept himself modern in all actions of life and quit an old habit as soon as he discovered a better one. Farming and dairying have at all times brought him a good living and enabled him to indulge in luxuries common to a well regulated and cultivated society. While his ways may perhaps have been classed as amongst those of the simpler ones of life, he has well earned his reputation for honesty, for observance of domestic order, and for exemption from the social vices found in ordinary society. Many a farm can trace in its present occupant and his ancestry a possession of the same fields for more than two centuries. He has never cared to go beyond the legitimate boundaries of his occupation, and no thought of swindling either his patrons or his competitors ever took possession of him.

The ills of life he has borne without complaint, and has always expressed his satisfaction in the success of enterprises other than his own. That the fertile fields of Chester and Delaware have rewarded these sober-minded people for all their toil their present condition of life bears ample evidence. That they have moved with the rest of the world, advanced as it advanced, and improved as it improved the appearance of magnificent farms, cultivated with the most modern machinery and in the most approved manner, stocked with fine cattle, and adorned with handsome farm buildings supplied with every betterment known to the profession, furnish conclusive evidence and testify to their thrift and intelligence. The creamery has supplanted the spring, and within the last twenty years, because of this modern and successful method of producing butter, the business of the dairyman has more than doubled in this district.

The farmer has gone through business depression without complaint and without appeal to his Government for help. Not until the hand of the imitator and the swindler was found in his midst, an evil which he could not remedy alone, and an obstruction to his legitimate business which he could not remove alone, has he ever made an appeal to the greatest law-giving tribunal of this land for relief. This imitation product has come as his competitor, and after a struggle of fifteen years to keep it to itself, to be called by its right name, the farmer is prepared to prove that but one successful and complete remedy is left to him, and that is through this body, for a law which will enable the different States of the Union to legislate effectually against the article shipped therein in what is known as an original package. The farmer has no fear of this ruinous competition so long as oleomargarine may be sold by its right name. To secure this result, they must be offered on the market dissimilar in color. Every other remedy has been tried, every trial has resulted in failure. The more perfect the imitation, the better the opportunity to work the deception.

On good butter the farmer has a profit when the retail price exceeds the sum of 25 cents per pound, for it costs him that much to produce it. On the counterfeit sold as "Extra Fancy Creamery," the favorite name adopted by its counterfeiter, a profit is realized if the sale is made above the price of 7 cents per pound, the cost of its production. The aim of the counterfeiter is to sell his well-made counterfeit, in both appearance and name, at about the sum of 25 cents per pound. In this he is not always successful, but an enumeration of a number of sales in Philadelphia during the winter of 1900, in which the date of the sale is given, the name of the vender with his address, and the price at which he succeeded in working off his imitation, will at least prove my statement to be truthful:

Oleomargarine bought for butter.

Date.	Name.	Address.	Price.
			<i>Cents.</i>
1900.			
Jan. 2	A. Levinson	1132 Columbia avenue, Philadelphia.	23
Jan. 5	Geo. W. Powell	Ash and Thompson streets, Philadelphia.	26
Jan. 6	A. Levinson	1132 Columbia avenue, Philadelphia.	23
Jan. 13	John McAteer	2916 Richmond street, Philadelphia.	25
Jan. 13	Omaha Meat Market	2356 Richmond street, Philadelphia.	13
Jan. 16	Daniel Dougherty ..	Eighth and McKean streets, Philadelphia.	21
Jan. 16	George Macmunn	Third and Norris streets, Philadelphia.	25
Jan. 16	James Bell	5123 Germantown avenue, Philadelphia.	23
Jan. 16	Ogden's Market	2419 Ridge avenue, Philadelphia.	20
Jan. 18	W. J. Strange	607 North Second street, Philadelphia.	23
Jan. 24	Daniel Dougherty ..	1604 Ridge avenue, Philadelphia.	21
Feb. 6	Eagleson & Poole	1534 Cumberland street, Philadelphia.	21
Feb. 6	James Bell	Howard and Cumberland streets, Philadelphia.	22
Feb. 6	W. N. Andrew	2022 Frankford avenue, Philadelphia.	21
Feb. 6	James Farragher	2900 Richmond street, Philadelphia.	20
Feb. 6	D. S. Ogden	1143 Vine street, Philadelphia.	20
Feb. 12	McFarland Bros.	32 South Main street, Phoenixville.	26
Jan. 4	J. P. Kelley	Fortieth Street Market, Philadelphia.	25
Jan. 14	W. M. Begley	1413 South Twentieth street, Philadelphia.	20
Feb. 22	Wm. Stewart	5129 Germantown avenue, Philadelphia.	24
Mar. 3	J. Madden	1109 Passyunk avenue, Philadelphia.	26
Jan. 15	W. J. Strange	2238 Callowhill street, Philadelphia.	25
Feb. 10	Fayer & Fink	1118 South street, Philadelphia.	20
Mar. 10	J. L. Neal	1022 South street, Philadelphia.	25
Feb. 24	D. S. Ogden	2417 Ridge avenue, Philadelphia.	25
Feb. 24	E. W. Harvey	2145 Harvey avenue, Philadelphia.	25
Jan. 15	C. P. Smith	2342 Callowhill street, Philadelphia.	25
Jan. 27	W. J. Strange	2048 Ridge avenue, Philadelphia.	22
Feb. 3	do	607 North Second street, Philadelphia.	25
	Jos. A. Wurster	817 Vine street, Philadelphia.	20

LEVI WELLS,
Dairy and Food Commissioner.

This list was furnished me by Mr. Wells last spring, the then dairy and food commissioner of Pennsylvania, at my request, with the additional information that high-grade butter during

that period ranged in price in Philadelphia markets from 30 to 35 cents per pound. He further informed me that in each one of these sales butter was inquired for, and the vendor pushed on his supposedly innocent customer oleomargarine, on which a profit of 15 to 20 cents per pound had been secured to somebody. The farmer's high-grade butter should have brought at the retailer's stall 40 cents per pound, and his profits should have been 15 cents per pound instead of 5 or 6 cents.

In addition to this official list of violators of the oleomargarine laws of Pennsylvania, I have a statement from a reliable agent of the dairy and food commissioner of that State showing that he had bought, within a period of a few months, over two hundred samples of this counterfeit put up in rolls to imitate farmers' rolls and creamery prints. In every case he inquired for butter and received and paid for oleomargarine at butter prices or within two or three cents of it. In every case it was colored in exact imitation of butter, and in many cases the prints were neatly put up in wrappers on which was branded the illusory, tempting, and familiar designation belonging to the manufacturers of good butter, "Mf's Creamery," "Crescent," "Clover," etc.

Farmers in my Congressional district can not survive on a profit of 5 or 6 cents per pound for butter. The competition which takes from him what he is justly entitled to demand is a dishonest one and courts and legislatures should act with promptness and unanimity where their power is invoked in order to prevent it. This deceptive practice is held, by the highest judicial tribunal in our land, to warrant the legislatures of the different States in the enactment of laws prohibiting the manufacture or sale of oleomargarine colored like butter. Because the business is a swindle, and for this reason alone, are the lawmakers clothed with sufficient power to exclude the imitation from the markets and to punish everyone who lays his hand on it for the purpose of profit.

Should this bill pass, the Government will furnish the preliminary remedy by the imposition of a tax of 10 cents per pound on the counterfeit, reducing the profit of the counterfeiter, thereby depriving him of so much profit, and his temptation to dishonesty in that proportion. This addition to his burdens will force him to raise the price of his commodity, thereby raising the price of butter, while the best article will have the same effect upon the farmer's best production. While this kind of competition can not, perhaps, be urged as a good reason for the passage of legislation, admitting oleomargarine to be not unhealthful, yet the great wrong done thereby should induce the legislature to look for the reasons warranting favorable action.

The reasons which I have given should be sufficient to induce the support of this bill as reported by the Committee on Agriculture. It tends to the suppression of crime and the maintenance of good order. It furnishes additional remedies to those already in existence.

Mr. Speaker, it is contended here that the present Federal law supplies all the power necessary to suppress the swindle, which the adversaries of the present bill coolly admit in this debate is practiced everywhere in the United States with defiance and deliberate design. This is not so, and a few facts will rebut their arguments and turn aside theories which I am inclined to think are made to please their constituents rather than convince their hearers.

In Pennsylvania there are now pending 946 prosecutions for violation of its statute of 1899, imposing penalties. These prosecutions have all been brought since the first day of the present year. During that same period of time 126 prosecutions, brought within it, have been terminated, making a grand total of 1,072 prosecutions, and all these in addition to the many infractions of the same law which have not been discovered. Detentions are difficult and convictions are obtained after long and spirited contest. Officers of the law have been faithful and diligent in their pursuit after these violators. When detection takes place every art known to the legal profession is employed in their defense. Questions of the law's constitutionality are raised, test cases made, appeals to higher courts taken, and all possible delays resorted to in order that justice may fail or punishment be postponed.

The seller of colored oleomargarine has become as cute and wary as those who deal in any other counterfeit commodity. His profit is large enough to induce him to break a penal law, but does not furnish him a remuneration sufficient to enable him to hire good legal talent and keep up a war which is often ended in a court of last resort. Where do the means come from for such purposes? I believe they come from the manufacturers. I believe it because they ship their colored product into States which have enacted laws prohibiting its sale. It is against them the provisions of this law are directed, and until they can be restrained the swindle will go on. When State laws can be used to punish the original-package man, and Federal laws are in force to compel the manufacturers to pay the Government a tax, as provided in this bill, the demands of justice and equality will be reached.

The substitute for this bill, reported by the minority of the

Committee on Agriculture, does not pretend to furnish the remedy demanded. Without further restraint imposed upon him than that provided in existing law, the manufacturer may continue to practice his deceit. The provisions in the substitute for wrapper stamping and branding, etc., to be done by the manufacturer, are satisfactory to him. Any law which permits him to imitate butter meets his approval. Such restrictions proposed in the substitute have been tried in many of the different States, only to find them unsuccessful.

Oleomargarine in its natural state is one commodity; when colored resembling butter it becomes another. In the former case it has a value; in the latter a much larger one. The tax of 2 cents per pound imposed by existing law is held to be fair. The size of the tax was predicated upon the understanding that it was to be placed upon oleomargarine. If the value of the product is to be increased, and indeed the product itself changed to another, the proposed tax of 10 cents per pound is equally fair. Lawyers differ upon the power of Congress to impose this tax of 10 cents. No argument, however, has been made here to-day that convinces this body of its lack of such power. If it does not exist, another tribunal is constituted for the express purpose of making it known. My duty is plain, and its performance a pleasure.

If, when this measure becomes a law, as I believe it will at the present session of Congress, it shall be found ineffectual for the purpose of correcting this great evil, the war just begun will continue. It will go on and on until a remedy is secured through this legislative body that, when enforced by courts of justice, will correct one of the great wrongs of its time and secure to the agriculturist, the farmer, and the dairyman a protection for his product against the work of the imitator, whose imitation threatens their destruction.

Mr. FLEMING. Mr. Speaker, we have all become familiar with the principle—

The SPEAKER. Does the gentleman withdraw his amendment?

Mr. BUTLER. I withdraw my amendment.

Mr. FLEMING. I desire to renew the amendment.

We have all become familiar with the principle known as the American protective system, by which the National Congress levies a tariff tax, collected at the custom-house, for the purpose of protecting an American industry against a foreign competitor; but this will be the only law upon the statute books of the United States which seeks to apply that principle of tariff protection in favor of one American citizen or one American industry against another American citizen or another American industry. We are accustomed to tariff protection at the custom-house, but this is a bill under which we have tariff protection through the Internal-Revenue Department.

We have heard a good deal, Mr. Speaker, about the deception practiced by the manufacturers of oleomargarine. I admire candor in all men, and I only wish that the men in charge of this bill would have the candor to put upon the face of the bill the real purpose that they have in view. They have argued for hours upon the passage of this measure. Not one word has been said in favor of its passage on the ground that it is a revenue-producing measure, and yet that would be the only legal justification this bill could have here or could have before the Supreme Court of the United States. We know its purpose is not to raise revenue, but to give advantage to one industry over another competitive industry; and we know that if the gentlemen in charge of the bill will only write on its face its real purpose it can do no harm, because the Supreme Court of the United States would declare it illegal without a moment's hesitation. The bill as it is now drawn is not unconstitutional, and will not be held so by the Supreme Court.

But why? Simply because the Supreme Court of the United States can not impugn the purpose, intention, or motive of the legislative department of the Government. And yet every man in this House knows what that purpose is. Your purpose is not to raise revenue, but to strike down one industry for the benefit of another. If the Supreme Court could take judicial knowledge of the real object of the bill, they would declare it unconstitutional without the slightest hesitation.

Mr. Speaker, it is a bad precedent when the taxing power of the Government is used, not as we have done heretofore, by a tariff to protect our people against foreigners, but when it is used to protect one American industry against another legitimate American industry. When you start out in that course, where are you going to stop? Just as well, sir, might the producer of cane sugar in Louisiana come to Congress and say, "I can not compete with the beet-sugar producer of the West," and ask that a tax of 10 cents a pound be put on beet sugar. Just as well might the beet-sugar producer of the West say, "I can not compete with the cane-sugar producer of Louisiana," and ask that that industry be crushed. Mr. Speaker, such a practice will leave the whole matter to be decided by a mere numerical majority, and of all the

tyrannies known to legislative history none is so great as the tyranny of numerical majorities.

Mr. ALEXANDER. Mr. Speaker, this measure, familiarly known as "the Grout bill," is one of the most important that can go upon the statute books. It seeks to make oleomargarine and other imitation dairy products subject to the laws of the State or Territory into which they are transported and to impose a tax of 10 cents a pound on oleomargarine when colored to resemble butter. It is not new in the field of legislation, nor are the questions involved either novel or of uncertain legality. Thirty-two States, possessing four-fifths of the population of the United States, absolutely forbid the manufacture and sale of oleomargarine when colored to resemble butter, and the highest courts in those States, including the Supreme Court of the United States, have upheld the constitutionality and validity of these laws. This proposed legislation, therefore, is in line with the policy and the expressed wish of a large majority of the people of our country.

The opponents of this bill assume at the outset of the discussion that oleomargarine is as wholesome and healthful a food product as butter. In its report the minority of the committee labors hard to prove this assumption. Opinions of "leading scientists" are given at length, backed by "Ph. D.'s" and "LL. D.'s," and supported by chemists' certificates and the dicta of courts. But plain everyday facts show that oleomargarine is neither as wholesome nor as healthful as butter. The oleomargarine tested by the friends of this measure is taken from the stock offered for sale in the grocery stores—not from the supply made purposely for the laboratories.

In July, 1899, samples of oleomargarine taken from stores in New York and Brooklyn were found to contain 10 per cent of paraffin. In other words, a 60-pound tub of oleomargarine would contain 6 pounds of paraffin, "a substance," says the president of the National Dairy Union, "which the strongest acids are unable to affect." One of the uses of paraffin is to protect bronze and marble statues from the weather. As a food product it is absolutely indigestible.

Among the articles named in the patents granted for the manufacture of substitute butter are borax, cotton-seed oil, bicarbonate of soda, alum, glycerin, sulphuric acid, tallow, corn starch, caustic potash, castor oil, chalk, slippery-elm bark, olive oil, turnip-seed oil, chlorate of potash, oil of peanuts, nitrate of soda, stomach of pigs, nitric acid, mustard-seed oil, sugar, caustic soda, and bicarbonate of potash. It is possible that so-called "neutral grease," when subjected to these acids and alkalis, may be wholesome butter, but, "leading scientists" to the contrary, 32 States, having over 60,000,000 people, have prohibited such deodorized grease from being colored in imitation of butter and sold in the market.

It is no secret that butter fat, found in the milk of all mammals, is the natural food of infant offspring, having the most delicate of all digestion, and that milk and its butter product are among the most healthful and important articles of food. The young, the sick, the old—everybody can use them with the least possible harm. Butter melts at 92 degrees, and the normal heat of the human stomach is 98 degrees. Naturally this fat, taken in its raw state into the stomach, will digest easily and imperceptibly. Nature so intended.

On the other hand, oleomargarine melts at a temperature varying from 102° to 106°, "a temperature," says ex-Governor Hoard, of Wisconsin, "which no healthful stomach ever attains. As a consequence, this unnatural foreign fat must be expelled by sheer gastric action and force." When stearin, of which candles are made, or paraffin, whose use has already been indicated, is added, in order to make the cotton-seed oil stand up like butter, the digestible character of the mixture may well be doubted. Possibly strong men whose work keeps them out of doors ten or twelve hours a day may be able to dispose of it without injury, but men of sedentary habits and people with delicate stomachs can not use it with impunity.

But, Mr. Speaker, oleomargarine is used in public institutions, say the opponents of this bill. That is undoubtedly true. Mr. Edmund Hill, of the Somerset County council, England, is authority for the statement that it is eaten by the inmates of the Wells county asylum, with which he is connected. In the asylums of the neighboring counties—Dorset and Hants—butter is furnished, and the death rate at Wells is 30 per cent higher. At the Taunton Hospital, when butter was used, 11 deaths occurred in thirteen months; when oleomargarine was substituted, 22 deaths occurred in nine months. The same authority states that the use of oleomargarine is forbidden in the hospitals of France. The president of the National Dairy Union declares that in institutions for the blind and for girls in the United States the use of oleomargarine has very perceptibly lowered the vitality of the inmates. Many other well-authenticated reports show that oleomargarine is clearly not as healthful as butter.

But whether healthful or not, if people prefer to use oleomargarine in its uncolored state as a substitute for butter because of

its cheapness or for other reasons they have and ought to have the right to do so, and dealers should have the privilege of selling it to them. Nor does this bill withdraw or curtail that right. It seeks only to impose upon it a tax of 10 cents per pound when colored in imitation of butter. No one has a moral right nor a legal right, under existing laws in 32 States, to color it or sell it as butter.

The fact that it is a recognized food product can make no difference. Flour is a staple article of food, but it is a deception to sell it in pulverized sugar. Peas, as a food product, are healthful and desirable, but it is a swindle to sell them for coffee. So oleomargarine may be clean and palatable, but to give it the color of butter and sell it as butter is a deception—probably the greatest deception practiced in the sale of food products.

Mr. Speaker, it is stated, apparently on good authority, that 83,000,000 pounds of oleomargarine were manufactured last year and sold to the people of the country for about \$20,000,000, with a profit to the manufacturers and dealers of \$10,000,000 to \$12,000,000. There is no wrong in this if it is uncolored and sold as oleomargarine; but when colored in imitation of butter and sold as butter the transaction takes the form of a swindle.

The fact that inferior qualities of butter are colored and sold as a superior quality does not make it right to color and sell oleomargarine as butter. A reprehensible practice in the sale of butter is no excuse for the perpetration of a fraud in the sale of oleomargarine, nor does it extenuate or lessen the fraud because oleomargarine may be a clean food product and capable of use as a substitute for butter. Such suggestions are unworthy the gentlemen making them.

Mr. Speaker, admitting all that is claimed for oleomargarine as a food product, the fact remains, as appears from the reports, that its ready sale is dependent almost entirely upon its imitation of butter. The author of this bill is authority for the statement that not one pound in a million of colored oleomargarine is bought and eaten by the consumer for what it is. The dealer may know its true character, and hotel and restaurant keepers and other customers may have purchased it with the same information, but those, as a rule, who eat it do so believing it to be butter. It is put up like butter, served like butter, and colored like butter, while its taste, unfamiliar to the consumer because butter is never present for comparison, may not disclose its character.

The methods of its sale prove that it is never intended to be known by its right name. Four-fifths of the colored article, says the majority report of the committee, is sold illegally, as indicated by the reports of the Treasury Department. Wrappers and stamps are removed, not only to deceive revenue officers and secure its salesmen from arrest and prosecution, but to prevent consumers and small purchasers from obtaining knowledge of its true character.

The assistant commissioner of agriculture in the State of New York reports that it is put up in 2, 3, and 5 pound packages and delivered by wagons to boarding houses, restaurants, hotels, and other customers whose names and addresses are designated by registered numbers, so that if venders are detected and arrested for violating law, their customers may not be involved with them. A prominent firm in Newark, N. J., declared, under date of June 4, 1900, that the whole business of marketing oleomargarine is deceit and deception. The dairy commissioners in the State of Connecticut report finding 3,600 pounds hidden in the cellar of an undertaker's warehouse, concealed behind coffins and within caskets.

The great profits arising from its sale make men willing to take such chances. Oleomargarine sold as butter returns an average profit of about 15 cents per pound. Armour & Co. report that its cost, including a 2-cent tax, does not exceed 7 cents per pound. When sold as butter, it brings from 18 to 30 cents per pound. Such profits not only become an irresistible temptation to sell the product, despite State and United States laws, but they too often create a fund whose influence prevents the rigid enforcement of law.

The opponents of this measure, in the minority report, complain that as nothing in the bill decreases the temptation or increases the difficulty of such violations, the increased taxation must either be fraudulently evaded or force the honest manufacturers out of business. A bill need not safeguard the collection of an increased tax on oleomargarine any more than an increased tax on whisky. Penalties for violation of law and methods for detecting fraud are already sufficient. But why should an honest manufacturer of oleomargarine be forced out of business by this bill? An honest manufacturer will not now seek to color his product in imitation of butter, because that is prohibited by law in 32 States, while this measure reduces the tax on the honest product from 2 cents to one-fourth of a cent per pound.

Nor will this measure crush out the manufacture of oleomargarine and eliminate it as a food product unless it be true that the people now purchasing it in the belief that it is butter will refuse to buy it when it appears as "white grease," without the color or semblance of butter. The minority of the committee in its report

claim that "oleomargarine is now practically all bought by the poorer classes of our people." Whether these consumers will continue to eat it after their eyes are opened to its character is a problem for the future. If they refuse, the manufacturers of oleomargarine will be crippled, if not crushed; if they continue to buy it, its manufacture and sale will at least be transferred into honest methods.

It is idle to compare the sales of butter with those of oleomargarine, and argue that since the latter do not curtail the former, the manufacture and sale of oleomargarine should not be disturbed. Suppose 2,000,000,000 pounds of butter are made and sold annually and only 83,000,000 pounds of oleomargarine, what has that to do with the question? This measure is not predicated upon commercialism. No one objects to the manufacture and sale of uncolored oleomargarine, and all are indifferent as to whether the price of butter is or can be controlled by the price of uncolored oleomargarine.

The principle involved in this measure is one of common, everyday honesty. It is only when the manufacturers and venders of oleomargarine seek to dispose of it for what it is not, that the people are aroused, and the law invoked. The public can not be deceived. They know what influences its sale. Only when colored in imitation of butter and sold as butter is it purchased or eaten. In other words, only when fraud is perpetrated can it be profitably put upon the market. If this were not true, the manufacturers and venders of oleomargarine would not be now so bitterly assailing this bill.

It is to prevent deception, therefore, that this measure is presented, and the farmer who eats butter churned from the milk given by his own cows is not any more interested in its passage than the millions of people who are compelled to purchase butter, and who desire protection from the deception of oleomargarine venders.

Mr. HAUGEN rose.

Mr. GROUT. I move that all debate on this paragraph be closed.

The SPEAKER. The gentleman from Vermont moves that all debate upon this paragraph be closed. Pending that the Chair will recognize the gentleman from Iowa, a member of the committee.

Mr. WILLIAMS of Mississippi. I ask the gentleman from Vermont to withdraw his motion until the gentleman from Iowa has been heard.

Mr. GROUT. Mr. Speaker, why can not the gentleman wait until the next paragraph has been read, and let us go on and get through with this paragraph? I ask unanimous consent that debate be closed on this paragraph.

The SPEAKER. The gentleman from Vermont asks unanimous consent that debate on this paragraph be closed. Is there objection? [After a pause.] The Chair hears none. The Clerk will read the second section.

The Clerk read as follows:

SEC. 2. That after the passage of this act the tax upon oleomargarine as prescribed in section 8 of the act approved August 2, 1886, and entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," shall be one-fourth of 1 cent per pound when the same is not colored in imitation of butter; but when colored in imitation of butter the tax to be paid by the manufacturer shall be 10 cents per pound, to be levied and collected in accordance with the provisions of said act.

Mr. GROUT. Mr. Speaker, if the gentleman will allow me one moment. In this connection there should be a time fixed when this act shall take effect, inasmuch as it changes the proceedings of the Internal Revenue Department; and I ask that these words be added: "This act shall take effect July 1, 1901."

I move the adoption of that amendment.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

And this act shall take effect July 1, 1901.

Mr. WILLIAMS of Mississippi. The first line of section 2 reads: "That after the passage of this act the tax upon," etc., "shall be," etc. Now, if you want to change the time fixed in the bill, you must make some amendment to line 1 of section 2, and say, "Upon July 1, after the passage," etc.

Mr. GROUT. Very well, if the gentleman desires, we will substitute that language there, "On July 1—"

Mr. HOPKINS. I would like to know from the gentleman from Vermont why postpone this tax on this article to July?

Mr. GROUT. The Department can not arrange for the necessary inspection at once. I move that the words "after the passage" be stricken out in line 9 of section 2 and the words "on and after July 1, 1901," be inserted.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Strike out the words "after the passage of this act" in line 9, page 2, and insert "on and after July 1, 1901;" so that it will read: "That on and after July 1, 1901, the tax," etc.

The amendment was agreed to.

Mr. HAUGEN. Mr. Speaker, we are confronted with the fact

that the manufacture and sale of oleomargarine has grown from the insignificant sum of 21,513,537 pounds in 1888 to 83,000,000 in 1899, and to the enormous sum of 107,045,028 in the past year, a gain of 500 per cent in twelve years. I venture the assertion, without fear of successful contradiction, that at least 75 per cent of this counterfeit substitute is sold and eaten for pure butter, at butter prices, and in defiance of the law.

I need make no apology for my statement when I say that the public welfare demands the enactment of the Grout bill, that the gross fraud and deception being perpetrated may be suppressed, and to protect the millions of consumers and at least give them the right and privilege to choose between the genuine article and this unwholesome substitute.

Thirty-two States, representing according to the Federal census of 1890, a population of 50,117,440, or about five-sixths of the total population of the United States, have enacted laws absolutely prohibiting the sale of yellow oleomargarine. Yet we find, according to Secretary Gage's report in response to a resolution passed by this House the first session of the Fifty-sixth Congress, that 5,492 dealers are engaged in the selling of this counterfeit, and that in violation of the laws. That these dealers are flourishing and doing a wholesale business is evidenced by the fact, according to Secretary Gage's report during the fiscal year ending June, 1899, that 62,825,582 pounds of yellow oleomargarine made in semblance of butter was sold by the 5,492 dealers in these thirty-two States, while 1,501 dealers sold only 16,860,141 pounds in the remaining twenty States and Territories.

In my State we have a drastic law absolutely prohibiting the coloring of imitation butter or cheese. It provides "that every package shall be plainly marked 'Substitute for butter' or 'Substitute for cheese,' and each sale shall be accompanied by a verbal notice and a printed statement that the article is an imitation. * * * giving the address of the maker; and that the use of these imitations in hotels, bakeries, etc., must be made known by signs." Nevertheless, as shown by Secretary Gage's report, I find that three dealers sold 79,922 pounds of yellow oleomargarine in the year 1899. In my own State, every pound of it sold in violation of the law; and every pound thus sold displaced a pound of butter and robbed the dairy producer of his legitimate market.

I have before me a letter from our dairy commissioner, dated December 3, 1900, in response to my inquiry made a few days ago, as to the operation of our State law, etc. I will read a part of this letter which bears upon this point:

Iowa makes one-tenth the butter of the United States, and we are correspondingly injured by fraudulent competition with butter (?) made out of something not the fat from the milk of the cow. I have no doubt that we are injured \$2,500,000 every year for the benefit of the oleomargarine producer, and the consumer is not at all benefited. There is only one place in Iowa where oleomargarine is used as such, but there are plenty of places where it is used as butter, which is proved by the fact that we get one of them about once in six weeks.

There is not a dairyman in Iowa that is not in favor of the Grout bill, and I sincerely hope it will pass both Houses of Congress.

Respectfully,

B. P. NORTON, Dairy Commissioner.

Notwithstanding the fact that this law has been violated and is being violated every day of the year, in spite of the able and most persistent efforts on the part of our efficient dairy commissioner to enforce this law, I am pleased that I had the pleasure and honor of being a member of the legislature that enacted this law and assisting in its passage.

While this law does not totally check the fraudulent sale of this article, everything was done that could be done by State legislation, and it has to a great degree checked the perpetration of this fraud.

Experience has taught us that State laws are inadequate, and our dairy producers are justly demanding national legislation, and I am glad of the opportunity to put forth my humble efforts in securing the passage of a measure which is of such vital importance to the producers as well as the consumers.

The Grout bill is not an unjust or oppressive measure. It is not a bill, as stated in the views of the minority, "to ruin one industry to benefit another, and to destroy the business of the legitimate oleomargarine manufacturers." Purity and wholesomeness is the purpose of this legislation, and a protection to pure-butter producers against fraudulent competition, as well as to reduce the price of oleomargarine to its consumers—that is, when sold in its natural color, and for what it is.

The bill simply provides that all counterfeit substitutes for butter, when taken into any State or Territory, shall be subject to the laws of the States or Territories concerning such counterfeit. The bill also provides that on all oleomargarine not in semblance of butter the present Federal tax of 2 cents per pound shall be reduced to $\frac{1}{2}$ cent per pound.

So if there is anyone who wishes to buy this inferior article in preference to pure butter they will be able to buy it for what it is worth, and not be swindled and compelled to pay butter prices. Or, in other words, the poor, for whom the oleomargarine combine profess to have so much sympathy, can buy the oleomargarine from 8 to 12 cents per pound where they are now compelled

to pay from 12 to 35 cents per pound. I base this estimate on Armour & Co.'s own statement, made before the Federal district court in New York, where they testified that "with the 2 cents Federal tax added the cost of oleomargarine was less than 7 cents per pound;" also upon statements to our committee by representatives of oleomargarine during the last session of Congress. According to their own statements, if the tax is reduced $\frac{1}{2}$ cents per pound the cost would be less than $5\frac{1}{2}$ cents, and it certainly could be sold for 8 to 12 cents per pound.

The bill further provides that a tax of 10 cents per pound shall be imposed on all oleomargarine colored in semblance of butter, leaving license fees for its manufacture and sale the same as provided for in the law of 1886. The fact that oleomargarine can be manufactured, colored, and sold to dealers for 8 to 12 cents per pound, with pure butter selling from 20 to 30 cents per pound, is an incentive to the dealers to deal fraudulently with their customers in palming off the substitute for the genuine article. This 10-cent tax added to the cost of manufacturing this counterfeit substitute colored in semblance of butter will bring it nearer to the price of pure butter, and in my opinion will lessen the temptation of deceptive sale and do away with the competition between a fraudulent and an honest industry. It will at least modify it.

Besides this, it will protect our dairy export trade. Of late years the Dominion of Canada has taken away from us a large portion of our export trade. Canada absolutely prohibits the making of counterfeit butter and cheese, and thus reaps the benefit of foreign trade.

According to the Federal census of 1890, there were over 12,000,000 heads of families engaged in agricultural pursuits, and of this number there were more than 5,000,000 farmers engaged in the dairy business, producing more than 2,000,000,000 pounds of butter annually, valued at more than \$500,000,000. These millions of producers are entitled to some consideration, and their industry should be protected against fraud and deception, as well as protecting the millions and millions of consumers of dairy products who are imposed upon and swindled by a counterfeit substitute which is so detrimental to health.

Much has been said in favor of oleomargarine and many able arguments presented before the committee of which I have the honor of being a member, especially as to its wholesomeness. I am not a chemist; however, I have had some experience with oleomargarine, and have been where it is manufactured, and I state without fear of contradiction that there is something about the odor of some of its ingredients that is sickening and far from pleasing. I, for my part, prefer to be at least a mile away from where these obnoxious elements of oleomargarine are handled.

Without going into further details, I wish to read the statement of Hugh Reed, foreman of one of the departments of public printing, and whose truthworthiness is vouched for by one of the honored members of this House, a statement which appeared in the Evening Star May 10, 1900, in an interview given in response to the question, "Is it true that all kinds of fat are used in Chicago to make oleo oil, which is made into oleomargarine?" Reed replied:

I know positively that this is true. I was one of the few who in workmen's clothes was permitted to go through some of the establishments where oleo oil is made in that city. There was one place, at the corner of Archer avenue and — street (he gave its name), where the scraps from the restaurants and hotels of Chicago were taken by their ten collectors with wagons for the purpose every day. I have been right in this place and seen these scraps of fat put through the processes that bring them finally into the bags in the presses where the oil is pressed out of them.

The scraps from these restaurants and hotels are divided into two classes—one from which the oleo oil is made, the other going into soap. Not only that, but this same establishment purchased the fat from the horse butchery out on the Brighton road, which fat was used in the same manner as the scraps from the hotels and restaurants. And what I saw with my own eyes at this place is well known to the employees and workmen in that neighborhood, and the subject of common discussion throughout that locality. I have a close relative employed in one of these concerns right now, and he knows all about the business from a to z.

Dr. De Schweinitz, of the Agricultural Department, in his visit to a factory which was several years ago located in Philadelphia, found the same condition of affairs. Oleo oil was being made from a pile of fat scraps collected from the hotels, restaurants, and butcher shops, which pile gave out such an odor that it was sickening, and the makers admitted it was being made into oleomargarine. The same thing was found by a reporter of the Newark Advertiser early in January of this year, when he stumbled onto a rendering establishment near that city that was doing the same thing.

But it is easy to prove by statistics which are indisputable that every kind of fat and scraps are being used in the manufacture of oleo oil, which goes later into oleomargarine. The makers of oleomargarine claim that the carcasses from which their fats are taken "are killed under the supervision of the Government," hence perfectly wholesome and healthful. This is their strong argument—"all oleomargarine made under the supervision of the Government."

We also have the evidence before our committee of ex-Governor Hoard, of Wisconsin, a gentleman whose veracity can not be questioned and whose character is above reproach; a man who has given this subject much thought and attention. Up to this time his statements have not been refuted, so far as I know. I refer to his testimony as given on pages 3 and 4 of the hearings on oleomargarine before the Agricultural Committee, March 7, 1900:

Is oleomargarine a healthful food? There is no way to determine this question except by actual trial; not for a day, a week, or a month, but for

several successive months, and not with strong, robust men with plenty of outdoor exercise.

Chemistry can not answer. For example, the chemist will tell you that he finds the same elements in swamp peat that are found in the grasses and hays that are fed to our cows, and in approximately the same proportion. And the chemist is at a loss to determine from the standpoint of his science why cattle should not feed on swamp peat. Chemistry can not determine whether any particular substance is poisonous or not. It must take a stomach to do that.

There is no credible evidence to show that oleomargarine is innocuous; no evidence to show that when eaten continuously in place of butter it is not harmful. But there are reports in great abundance to the effect that oleomargarine is harmful.

Mr. Edmund Hill, a member of the Somerset County council, England, reports that the great bulk of oleomargarine, or "margarine" as it is called there, is eaten in public institutions, convents, schools, etc. At the Wells Asylum, with which he is connected, the inmates receive oleomargarine. In the asylums of Dorset, Wells, and Hants—the adjoining counties—butter is furnished, and the death rate at Wells is 30 per cent higher. At the Taunton Hospital there were 11 deaths in thirteen months. Oleomargarine was substituted, and in nine months the deaths rose to 22.

This accords with the experience in France, where its use in hospitals is forbidden. In the United States, in institutions for the blind and for girls, it has been noticed that the use of oleomargarine lowered the vitality of the inmates very perceptibly.

There is abundant reason for this. The normal heat of the human stomach is 98°. Butter melts at 92°, 6° below the heat of the stomach, passes into pancreatic emulsion and digestion. Nature designed this fat in its raw state for food.

Oleomargarine melts at the varying temperature of 102° to 108°, a temperature no healthful stomach ever attains. As a consequence, this unnatural foreign fat must be expelled by sheer gastric action and force.

Butter fat is found in the milk of all mammals. It is chemically and physically unlike any other fat in existence. It was designed by nature for the food and sustenance of infant offspring, having the most delicate of all digestion. Because of this most evident purpose and provision of nature, butter forms a healthful and important article of food in milk, cream, and in its separated state.

No matter what paid chemists may say, no counterfeit, even in its purest state, is wholesome or healthful.

But there is another phase of this question. There is absolutely no protection for the public against most dangerous introduction of positively unhealthful compounds into oleomargarine.

The Journal of the American Chemical Society and the department of agriculture of New York abound in proof of the adulteration of oleomargarine with paraffin, a substance which the strongest acids even are unable to affect. There is no reason on earth why the foulest of germ-laden fats should not be used in the making of this compound, when once they are deodorized by the aid of chemistry.

This would indicate that oleomargarine is not altogether a wholesome food and far from what is claimed for it.

Another argument advanced by the friends of oleomargarine is that the enactment of this bill would ruin the cattle industry of this country. I will read some resolutions adopted by cattle-raisers' associations claiming a membership of 1,200 from different sections of this country. The meeting was held at Fort Worth on the 13th and 14th of March, 1900, and printed on page 71 of the hearings before the Agricultural Committee on March 7, 1900, which reads as follows:

The enactment of such laws would completely destroy a business which has been recognized by law, which now furnishes a large annual revenue to the Government (\$1,956,618 in A. D. 1899), which provides employment for thousands of men, and in which citizens of the United States have invested fortunes. It would seriously affect the cattle industry, as the manufacturers of oleomargarine have created a demand for oleo oil, made from the choice fats from the beef, at a price at least \$3 per animal greater than it would be worth if it had to be used, as before the advent of oleomargarine, for tallow, thereby entailing a loss on the producers of millions of dollars annually.

Also a resolution adopted by the South St. Joseph Live Stock Exchange, which meeting was held at St. Joseph. I read from page 73, same hearings:

The "butter fat" of an average beef animal for the purpose of making oleomargarine is worth from \$3 to \$4 per head more than it was before the advent of oleomargarine, when the same had to be used for tallow, which increased value of the beef steer has been added to the market value of the animal, and consequently to the profit of the producer.

To legislate this article of commerce out of existence, as the passage of this law would surely do, would compel slaughterers to use this fat for tallow, depreciate the value of the beef steer of this country \$3 to \$4 per head, which would entail a loss on the producers of this country of millions of dollars.

The use of this fat for the purpose set forth is an encouragement to the producer to improve his herd and raise a class of grade or thoroughbred cattle capable of making and carrying this fat, rather than the common or scrub animal, which is so hard and unprofitable to fatten, and the cattle raiser or producer has come to know the value of this product, and the amount of the increase in the market value of his matured animal depends somewhat on the value of the "butter fat" carried by the animal.

The rights and privileges of the producers of beef cattle should be as well respected as those of others, and as they are the beneficiaries in the manufacture of this wholesome article of food, they should not be burdened with unnecessary special taxes other than is absolutely necessary for the support of the Government and the proper governmental regulations surrounding the handling of same.

The product of the "beef steer" should receive at the hands of Congress no greater exactions than imposed upon competing food products. It is already surrounded by numerous safeguards, which Congress, in its wisdom, has seen fit to provide, stipulating severe punishments for selling same under misrepresentation as to its composition. It has by experience proven to be just what a large majority of the people of this country want, and in behalf of the producers and consumers of this great country we do solemnly protest against the enactment of legislation calculated to ruin a great industry and to deprive not only the working classes, but many others, of a cheap, wholesome, nutritious, and acceptable article of food.

Very respectfully submitted.

THE SOUTH ST. JOSEPH LIVE STOCK EXCHANGE,
By HORACE WOOD, President.
JOHN P. EMMERT, Secretary.

I also read from statement of H. H. Cowen, general attorney of the cattle raisers of Texas, page 73:

It will affect the value of our cattle from two to three dollars per head.

Referring to the Grout bill.

Also from a statement by Swift & Co.:

The enactment of these bills would seriously affect the cattle industry. The manufacturer of oleomargarine has created a demand for oleo oil, which is made from the choice fats from the beef, and is worth to-day 10 cents per pound. If these choice fats were not utilized in the manufacture of oleomargarine they would have to be sold as tallow, which is worth 6 cents per pound. A steer will yield 50 pounds of oleo oil; therefore, should the oleomargarine industry be destroyed each steer would depreciate in value \$2. The same is true of the hog. Leaf lard (or neutral) is used in the manufacture of oleomargarine. Neutral is to-day worth 8½ cents per pound; lard is worth 6 cents per pound. A hog will yield about 8 pounds of neutral. If there was no demand for neutral as an oleomargarine ingredient it would have no greater value than lard; hence each hog would be worth 20 cents less than present price.

For the year ending December 31, 1899, there were 1,702,572 cattle slaughtered at the Union Stock Yards in Chicago. At \$2 per head this would make \$3,405,144. For the same period there were 7,032,430 hogs slaughtered at the Union Stock Yards in Chicago. At 20 cents per head this would make \$1,406,486. Therefore, should Congress pass a law which would destroy the oleomargarine business the cattle and hog raisers marketing their stock in Chicago would actually lose in the course of a year \$4,811,630 by depreciation in value of stock, and this will apply to every other slaughtering point in the United States—Kansas City, Omaha, St. Louis, etc.

These statements sound very nice, and if true would have some weight. If true, as stated in these resolutions and statements, that the passage of this bill would seriously affect the cattle industry; if the manufacture of oleomargarine has created a demand for oleo oil made from the choice fat of beef at a price of at least \$3 per animal greater than it would be worth if it had been used for tallow, as before the advent of the oleomargarine, and thereby entailing a loss to the producers of millions of dollars annually by depreciating the value of the beef steer of this country from three to four dollars per head; if it should lessen the encouragement to the producers and they should go back to the common scrub animal which is hard and unprofitable to fatten; and if this bill should restrict the rights and privileges of producers of beef cattle and burden them with this so-called unnecessary tax and ruin a great industry, and deprive not only the working classes but others of a cheap and wholesome article of food to any great extent, certainly this bill ought not to pass.

We raise a few beef cattle, as well as hogs, in Iowa, and we also have the so-called working classes, and were there a word of truth in these statements, it would be my duty, as a Representative from this great State, to protect their interests. However, before being led astray by such wholesale misrepresentation, let us investigate.

First, this bill does not increase the cost of oleomargarine by imposing an additional or burdensome tax. It reduces the tax 1½ cents per pound on oleomargarine not made in semblance of butter, thus reducing the cost, except where it is made in semblance of butter.

Certainly it does not affect the price of beef cattle from \$3 to \$4 per head. In 1899, there were 5,000,000 head of cattle slaughtered in the United States—Chicago, 1,821,061; Kansas City, 1,032,586; Omaha, 549,089; St. Louis, 506,249; total, 3,908,985. Enough were slaughtered outside of these centers to make the number from five to six millions. We will say, for the sake of argument, that there were only 5,000,000 in all. Three to four dollars per head, or an average of \$3.50 per head, would amount to \$17,500,000. Besides this, they claim 20 cents on each head of the 15,000,000 hogs marketed in this country for the same year, making a total of \$20,500,000, while the oleo oil consumed in making oleomargarine is valued at only \$2,313,333, or about one-tenth of this amount, which would be about 40 cents per head.

In the fiscal year ending June 30, 1899, there were 83,000,000 pounds of oleomargarine manufactured in the United States. It is claimed by the friends of oleomargarine that one-third of oleomargarine is composed of oleo oil. One-third of 83,000,000 pounds is 27,666,666, or an average of 5½ pounds to each head of cattle slaughtered in this country. It is also claimed that oleo oil is worth on an average about 8 cents per pound, making it an average to each head of cattle of 44 cents, barring the scraps from the restaurants, hotels, and horse butchery consumed, as referred to by Mr. Reed, Dr. De Schweinitz, and others.

If the contention holds good that the oleo oil is made out of the choice fat of the beef, this fat would certainly be worth something for other purposes and the depreciation would be slight. It would at least bring 5 cents per pound for tallow and other purposes, or \$1,383,333.30, a loss of only \$890,000, or 16½ cents for each head of cattle; that is, figuring tallow on a basis of 5 cents per pound. Swift & Co., however, in their statement estimate tallow at 6 cents per pound. On this basis the loss would be only 2 cents a pound, or \$553,333.32; or 11 cents per head. The loss per head is less than the price of 1 pound of beef sold on the block, or 2 pounds on hoof, or one seven hundred and fiftieth part of the value of a 1,500-pound steer, or the total loss is one one-thousandth part of the value of butter produced in this country.

For the sake of argument we will grant that there will be a loss

to the beef producers to this extent, the difference between the selling price of oleo oil and tallow, which is 11 cents on each head of cattle. The dairy producers are also beef producers. Can they not better suffer a loss of 11 cents on a steer selling from \$40 to \$80 than they can to see a great industry producing 2,000,000,000 pounds of butter annually, amounting to more than five hundred million of dollars, ruined by a fraudulent competitor?

Another matter that should be taken into consideration in this connection is, if true, as stated by Mr. Reed and others, that oleo oil is largely made out of fat scraps from restaurants and hotels, and I have no doubt but it is; that whatever these hotels realize out of the sale of the refuse would be a loss to them but not to the cattle producers. The cattle raisers certainly get no benefit out of these sales; and it would diminish the loss of 11 cents on each head of beef to the extent of whatever fat scraps were consumed in manufacturing oleomargarine.

Another argument advanced is that the passage of this bill will destroy the cotton-seed industry of the South. Upon this subject we have the statement of Mr. Oliver, a prophet and one who poses as an expert statistician and a representative of the cotton-seed industry of North and South Carolina, evidently not a friend of the farmers, who appeared before our committee. I read to you from pages 83, 84, 85, 86, evidence submitted by him, and signed by himself and others of the same committee.

Farmers will become as skillful in evading these laws as the western North Carolinian is in evading the liquor laws. Increase the tax on whisky to \$2 per gallon, and then see how many more men all over the United States will be making "moonshine" goods. Reduce the tax to 25 cents per gallon and you will reduce the number of cases before each United States criminal court in North Carolina to probably one-tenth the present number. If the proposed laws to impose 10 cents per pound tax on oleomargarine are enacted, you will have to increase the revenue detective service many times its present number and hold criminal United States courts every week in every district. Butterine or oleomargarine will be produced, and the laws will not prevent it. The proposed laws, if passed, will prevent open, aboveboard, taxpaying, honorable manufacturers from continuing to carry on their present business, but it will not prevent the secret manufacture of the article by a class of men hard to detect and still harder to convict.

We earnestly protest against the passage of the proposed bills as being unnecessary and very harmful to our business, to the country's business at large, and to the morals of many farmers and others. It will be a temptation that a great many present law-abiding, honorable farmers will not be able to resist, and they will become the same as a great many western North Carolinians, "moonshiners," for the manufacture of oleomargarine.

The cotton-seed-oil interests of the South have invested in plants not less than \$50,000,000. The working capital necessary to conduct the business is not less than \$50,000,000 more, making \$100,000,000 employed in the business. The mills have converted a product, namely, cotton seed, which was once considered a perfect nuisance by the farmers and ginners, into an article bringing to the cotton planter millions of dollars and the laboring man millions more and to the railroads a large and profitable tonnage in and out, amounting to millions of dollars in freight.

There has been paid to the cotton producers this season not less than \$40,000,000 for about two-fifths of the seed produced. There has been paid to the railroads to haul the seed in and the products of oil mills out not less than \$15,000,000. There has been paid to laborers dependent upon the manufacture of cotton seed at least \$10,000,000, making a grand total paid out by the oil mills of not less than \$65,000,000, and this for a product that forty years ago was considered absolutely worthless, and for only two-fifths of the seed produced, the balance being used on the farms for fertilizing and for cattle feed.

If the oil mills are not crippled by adverse legislation in this country and others it is only a matter of time when all cotton seed not required for planting will be worked up in oil mills, creating a market value for the seed, money paid out for transportation and labor, from a crop of 12,000,000 bales of cotton, a grand total amounting to at least \$157,000,000, or about one-half of the value of the cotton crop itself. Oil mills employ colored men exclusively in every department excepting superintendents and skilled mechanics, at least 95 per cent of all the help employed being colored. These colored men earn from 75 cents to \$2.50 per day, and are a very worthy, self-sustaining, law-abiding class of citizens. Why should the product of their labor be legislated against simply to give another class of citizens—the dairymen—a monopoly as against oleomargarine, a food product that the buying consumer is now satisfied to furnish to his family and himself? The consumer knows that this product, oleomargarine, is healthy and clean, and it costs him much less money than cow butter and is equally as satisfactory, and suits him much better than low grades of dirty butter costing the same or less money.

It is simply a fight in which the "survival of the fittest" should be allowed to prevail, and it is not right or just, no matter in what light it is looked upon, to handicap, by a 10 cents per pound tax, or any other tax or regulation, a manufactured article that has been, is now, and always will gradually overcome the public prejudice and work itself into public favor to the detriment of much so-called butter that is only fit for the soap boiler's kettle. Why not tax cotton clothing of all kinds, simply because it is supplanting woolen and silk goods? Why not tax beet sugar because it will, in the end, drive out cane sugar if left to a free fight on their merits and cost? Why not prohibit by tax or impose restrictions upon electric light and power because it is driving out of use gas and horse power? Why, oh, why, did not the farmer that furnished tallow to the candle makers look far enough into the future, years ago, and prevent the almost total annihilation of the candle manufacturing by the products of petroleum? Why not pass laws to prevent all inventions and improvements to the conditions of the human race just because there are some farmers selfish enough and self-satisfied to live and die as their fathers and grandfathers lived and died years before them?

GEO. L. BAKER,
A. C. PHELPS,
THOS. TAYLOR, JR.,
F. K. BORDEN,
C. FITZSIMMONS,
FRED OLIVER,
Committee.

This paper is subscribed by a committee representing in North and South Carolina and Georgia about 70 oil mills, and representing in the South about 400 oil mills.

Mr. HAUGEN. How much of this \$65,000,000 goes into the butterine?

Mr. OLIVER. Of this \$65,000,000?

Mr. HAUGEN. I understand you to say that \$65,000,000 goes to the interests of the cotton raisers of the South?

Mr. OLIVER. About \$40,000,000 was paid to the farmers for seed, about \$15,000,000 for the transportation of the seed in and products out; about \$10,000,000 for labor. In this country there is used probably 150,000 barrels of 50 gallons each of butter oil in manufacturing oleomargarine—at least above-board. How much there is used secretly, I do not know.

Mr. HAUGEN. What part of it is cotton-seed oil?

Mr. OLIVER. About 150,000 barrels of cotton-seed oil of 50 gallons each goes into the oleomargarine through the large manufacturers that are now being taxed and living up to the regulations.

Mr. HAUGEN. About how much is this worth?

Mr. OLIVER. About 40 cents a gallon of 7½ pounds to the gallon.

Mr. NEVILLE. Have you figured out the number of pounds so that you know?

Mr. OLIVER. No; it is only from what is published and the amount of taxes paid on oleomargarine. Oleomargarine contains from 25 to 40 per cent of cotton-seed oil, depending upon the weather and the season of the year it is made.

Mr. ALLEN. Are you engaged in the manufacture of oleomargarine in any way?

Mr. OLIVER. Not at all, sir.

Mr. ALLEN. Are you a cotton raiser?

Mr. OLIVER. Yes, sir; to a limited extent I am a cotton raiser. I am more of a wheat and oat raiser in the farming line.

Mr. ALLEN. Are you engaged in the manufacture of cotton-seed oil?

Mr. OLIVER. Yes, sir; in that I am very largely engaged. Our plant to-day has more than \$1,000,000 right now invested in cotton-seed-oil machinery and products.

Mr. NEVILLE. One hundred and fifty thousand barrels, of 50 gallons each, or 375 pounds to the barrel. Do you mean that that amount you have given is for the oil sold, or is that including the cake sold for feeding cattle?

Mr. OLIVER. No, sir; only the cotton-seed oil used in butter making.

Mr. NEVILLE. Now, you have stated it as a fact that there was no one advocating this legislation excepting a few farmers, disreputable and dishonorable men, who wanted to palm off a fraud with their home-manufactured oleomargarine; that they were the only ones urging this?

Mr. OLIVER. That was my statement, that it was being urged by that class.

Mr. NEVILLE. How do you account for the fact that the legislatures of thirty-two States have already passed stringent laws prohibiting the sale of oleomargarine?

Mr. OLIVER. Simply because the political power of the parties in those States has been used in that way, and those in power are dictated to, or their leg pulled, or wire-pulling of some kind, which made them think it was necessary to advocate these laws.

Mr. NEVILLE. That would not apply to those who are represented by legislators who are not of their political faith?

Mr. OLIVER. It applies to both parties, or all three parties, if you want to call it three parties.

Mr. NEVILLE. Then it is simply that condition of corruption which you think has spread all over this country to which your remarks apply?

Mr. OLIVER. Yes, sir; I do think so, in this line. But, when it comes to corruption and defrauding of the public, there is more defrauding to-day in the clothing you are wearing and others are wearing in this room than in any article you can mention.

Mr. NEVILLE. Do you believe, because it has gotten to this corrupt state in all manufacturing matters with the people of this country, that it is too late, and no use to try to do anything to make it better?

Mr. OLIVER. I believe the more laws you have the greater will be the corruption. You will kill, absolutely, the manufacture of oleomargarine on an honest, honorable basis; and you will put it into the hands of the secret manufacturers, farmers, and others, who are like money shavers, and the Government will not receive any tax to amount to anything.

This is not only a gross misrepresentation of facts, but it is an attack on the integrity and intelligence of our Western farmers. At first this expert and prophet would have us believe that the cotton-seed industry amounts to \$65,000,000 and all consumed in making oleomargarine in the United States. However, upon cross-examination, in response to a question as to what part of it (oleomargarine) is cotton seed, he replied that about 150,000 barrels of cotton-seed oil, of 50 gallons each, go into the oleomargarine through the large manufacturers that are now being taxed and who are living up to the regulations. In response to a question as to its value his answer is "About 40 cents per gallon, 7½ pounds to the gallon," or, in other words, 7,500,000 gallons, or 56,250,000 pounds, valued at \$3,000,000.

We will compare this statement with Secretary Gage's report transmitted to this House, giving the amount and character of materials consumed in the manufacture of oleomargarine for the year ending June 30, 1900:

Ingredients of 80,000,000 pounds oleomargarine made in 1899.

	Pounds.		Pounds.
Neutral lard.....	31,297,251	Stearin.....	5,890
Oleo oil (tallow).....	24,491,769	Glucose.....	2,550
Cotton-seed oil.....	4,357,514	Milk.....	14,200,576
Sesame.....	486,310	Butter oil.....	4,342,904
Coloring matter.....	148,970	Salt.....	6,773,670
Sugar.....	110,164	Butter.....	1,568,319
Glycerin.....	8,963	Cream.....	3,527,410

You will see that Secretary Gage's report shows that only 4,357,514 pounds of cotton-seed oil and 4,342,904 pounds of butter oil, which is practically the same as cotton-seed oil, all told only 8,700,418 pounds, were used in the manufacture of oleomargarine in the United States, which, if valued at 5 cents per pound, would amount to only \$435,020.90, or about two-thirds of 1 per cent of the total cotton-seed industry, which is \$65,000,000 according to this expert statistician, Mr. Oliver.

The total export of cotton-seed oil is 50,627,219 gallons, as given in the Agriculture Year Book for 1899, page 325, if valued at 40 cents, or \$20,250,916, while only a little over one million gallons is being consumed in the manufacture of oleomargarine in the United States, at a value of only \$435,000, which is only about one-fiftieth, or 2 per cent of the total amount exported; and there

is nothing to fear whatever that this legislation will ruin the cotton industry of the South.

The representatives of oleomargarine manufacturers have put much stress on the amount of money invested. Let us make a comparison. The Moxley Company, as stated by one of its own representatives, estimate the actual value of their plant at \$30,850; and this being one of the largest plants in this country, the average value certainly can not be more than \$25,000. There being 26 of these establishments in the United States, we have a total investment of \$650,000, while on the other hand, in the State of Iowa alone we have 994 creameries, at an estimated average value of \$3,000 each, making a total investment of \$2,982,000, or more than four and one-half times greater than the amount invested by oleomargarine manufacturers in the whole United States.

The gentlemen in opposition to this bill have had much to say about this 10 cents tax; that the 8 cents additional tax on colored oleomargarine in semblance of butter is to suppress and to stamp the legitimate manufacturers of oleomargarine out of existence for the benefit of dairy producers, denouncing it as class legislation, etc.

Much stress has been put upon the statement of Mr. Adams, commissioner of pure food in Wisconsin, wherein it is claimed that he said: "There is no use beating about the bush in this matter; we want to pass this law and drive the oleomargarine manufacturer out of business." If true that he made this statement, it does not necessarily voice the sentiment of the members of the committee who made the majority report or any member of this House who favors its passage, nor does it necessarily prove that this is the purpose of the bill or the intent of the promoters and author of the bill. If these were the facts, I have too high an opinion of the members of this House to think that any one of them would give this bill any support whatever.

On the other hand, how do you harmonize this statement with the statement made by the gentleman from Kansas, who has investigated as to the selling price of the two articles? He himself made the statement that creamery butter is selling at 35 cents, while oleomargarine is selling at 20 cents, a difference of 15 cents per pound.

To satisfy myself, some time ago, in company with the Wisconsin member, Mr. DAHLE, of this committee, I went to the market and there purchased oleomargarine as well as butter, paying 15 to 18 cents for oleomargarine and 35 cents for butter. Here you have a difference of 20 cents per pound. It is fair to assume that if oleomargarine is as nutritious, palatable, and wholesome as butter, it ought to sell at the same price as butter. And if oleomargarine can now be sold at 15 or even 20 cents per pound, the additional 8 cents tax certainly will not deprive it of its market.

With this additional tax of 8 cents it can be sold at 23 to 28 cents, which is 7 to 12 cents less than the present price of butter. According to the statement of the gentleman from Kansas, it is absolutely proved that oleomargarine can be sold in competition with butter with this 10 cents tax, or that this industry will not be ruined by increased taxation as provided in this bill.

Besides this we have abundance of evidence proving conclusively that the cost of oleomargarine is not anywhere near 15 or 20 cents per pound. Not even one-half of that amount. I hold in my hand a prospectus of the Standard Butterine Company, issued by W. P. Wilkins, president, Gurley & Johnson, bankers, 1335 F street NW., Washington, D. C., dated September 1, 1900, a concern incorporated under the laws of the State of Virginia, with a capital stock of \$1,000,000. No one will question the authority of these parties. They are all men of high standing—Wilkins a man of large experience in the manufacture of oleomargarine, and a man who knows what he is talking about.

Let me read to you what they have to say on the subject of the manufacture of oleomargarine, trades, profits, etc.:

It is perhaps best to add to this prospectus a statement of the exact cost of and profits in the manufacture of butterine, compiled from manufacturing statistics and recent market quotations:

Cost, showing proportions used for each 100 pounds:	
Oleo oil, 32 pounds, at 9½ cents per pound.....	\$3.04
Neutral lard, 17 pounds, at 8½ cents per pound.....	1.44½
Cotton oil, 17 pounds, at 5 cents per pound.....	.85
Milk, 17 pounds, at 1 cent per pound.....	.17
Salt, 7 pounds, at ½ cent per pound.....	.03½
Moisture, 10 pounds, at 00 per pound.....	.00
Total.....	5.54
Labor, parchment paper, tubs, etc.....	1.38
Internal revenue, 2 cents per pound.....	2.00
Total cost.....	8.92

F. o. b. Washington.

The above cost, when deducted from the market price of \$13 per 100 pounds, shows a net profit of \$4.08.

It will be seen that even if the company produced only the 400,000 pounds per month for which it now has definite orders a net profit of over \$16,320 a month, or \$195,840 a year, would be assured.

This would mean 8 per cent on the preferred stock of the company or 20 per cent on the entire capitalization.

This is a simple statement of actual facts which can be easily verified.

This showing surely ought to be of interest to everybody with money for which a highly profitable investment is desired.

The president of the company, Mr. W. P. Wilkins, has been engaged in the

butterine business for many years and is certainly thoroughly competent to place the company on an immediate paying basis.

Mr. Wilkins has just returned from Europe, where he made a careful examination of all the great butterine manufactories.

The question of a sale for the product, however, is not problematic. The company already has from responsible dealers orders for 400,000 pounds a month, to be taken just as soon as it is possible to place the factory in operation.

It is confidently expected that within a very short time after operations are begun the regular output of the factory will not be less than 1,000,000 pounds a month.

In addition to the manufacture of butterine, the company proposes to refine for export both oleo oil and neutral lard, over 800,000,000 pounds of which are exported annually from the United States. There are only a few factories now operating that supply these products, and the field is ripe for the erection of a large plant such as this company will have.

Active operations will be commenced at an early date, and intending investors should give the matter their early attention. The company will gladly give all information desired and stands ready to satisfy everyone interested upon any points which may be raised.

STANDARD BUTTERINE COMPANY,

W. P. WILKINS, President.

Offices, 208 Ninth street NW., Washington, D. C.

For further particulars in regard to purchase of stock, address Gurley & Johnson, bankers, 1335 F street NW., Washington, D. C.]

In addition to this we have the statement of C. N. Lavery, representing Swift & Co., Kansas City (on pp. 235, 236 of the hearings before our committee), giving the average price of oleomargarine at 11 to 14 cents, including the 2 cents tax. By adding the proposed 8 cents additional tax to the price of oleomargarine it would make the cost to the consumer from 19 to 22 cents, according to Mr. Lavery's statement. And according to the Standard Butterine Company's statement the 8 cents tax added to their estimated cost of 8.92 cents would make the cost 16.92, or less than 17 cents.

We are all familiar with the price of butter enough to know that butter hardly ever sells below this, and I think it is fair to assume that the average price of butter is 25 cents the year around. If this estimate holds good, we have a difference of cost in the two articles of 8 cents, with the 8 cents additional tax added. Certainly, if butterine is what it is claimed to be by its friends, it can be sold in competition with butter with a large profit to its manufacturers, and there is nothing whatever in the statement that this bill will legislate oleomargarine out of existence.

The gentleman from New York dwelt at length and read from statements of employees of the Agricultural Department, quoting them as authority, why this bill should not pass. In reply to this let me read what the Secretary of Agriculture, the head of that Department, has to say, in a statement in the Philadelphia Inquirer of last April:

The farmers have a right to expect legislation sufficient to give them protection against unfair competition by fraudulent imitation.

I also read to you from pages 244-245 of the Year Book of the Department of Agriculture:

The practice of adulterating human foods, which has been so largely prevalent in all parts of the world, has proved an incalculable injury to honest agriculture. As an illustration of the way in which adulterated food may injure the farmer's profession may be cited the sale of oleomargarine for butter and glucose for honey. The food value of oleomargarine and glucose is not denied. They are, however, very much cheaper products than butter and honey. These adulterated foods, unfortunately, are often not offered for sale under their own names, except by legal compulsion, but are placed upon the market under the names of the genuine article which they are manufactured to imitate. Buyers therefore pay, as a rule, prices which would be asked for the pure article. The market for the pure article is diminished just to the extent to which these other substances are sold, and in this way positive injury to great agricultural interests is done.

This would indicate that the Department of Agriculture is not altogether opposed to the passage of this bill.

The exposures of the fraudulent sale of oleomargarine recently in the State of Pennsylvania and other States has disclosed the fact that manufacturers have entered into a conspiracy to break down the State laws, resorting to dishonorable methods; by deception of all kinds in substituting and forcing this counterfeit on the public; by evading and disobeying the laws of the land, and even going so far as to adopt a policy of encouraging and urging retailers to violate the laws of the State, and providing for a defense fund; and wherever prosecutions are made those prosecuted are defended by the best legal counsel obtainable, who resort to all technicalities, as well as—with the united efforts of the oleo industry with its millions—bringing every possible influence to bear in securing dismissals and acquittals, piling up costs and expenses to the State, and making everything as disagreeable as possible, both to the State and all connected therewith.

In view of the facts I feel justified in supporting this bill, and have no apology to make in so doing. And I repeat that this bill is not to destroy one industry to benefit another or to ruin the cattle or cotton industries; not for selfish motives or greed; not to enhance the price of oleomargarine to its consumers, but rather for wholesomeness, the suppression of fraud and deception, and the protection of an honest and legitimate industry against fraudulent competition, as well as to protect the consumers, giving them the right and privilege of choosing between a deleterious and a wholesome article, that they may buy it for what it is and at a much reduced price.

Justice and the welfare of the public demands the passage of this bill, and I have no doubt it will be done. [Applause.]

I submit herewith a table which shows the amount of oleomargarine produced each year since November, 1886, when the present law went into effect:

	Produced.	Revenue paid.
	Pounds.	Dollars.
On hand November 1, 1886	181,090	
During the fiscal year ended June 30—		
1887 (from November 1, 1886)	21,513,537	723,948.04
1888	34,325,527	864,139.88
1889	35,064,026	894,247.91
1890	32,324,032	786,291.72
1891	44,392,409	1,077,924.14
1892	48,364,155	1,266,326.00
1893	67,224,298	1,670,643.50
1894	69,632,246	1,723,479.90
1895	56,953,105	1,409,211.18
1896	50,853,234	1,219,432.46
1897	45,531,207	1,034,129.60
1898	57,516,136	1,315,708.54
1899	83,130,474	1,956,618.56
Total	647,610,476	15,942,101.43

I submit here a list of these States, with the population of each as shown by the census of 1890:

Population.	Population.
New York	5,997,853
Pennsylvania	5,228,014
Illinois	3,826,351
Ohio	3,672,316
Missouri	2,679,184
Massachusetts	2,238,943
Michigan	2,063,839
Iowa	1,911,896
Kentucky	1,858,635
Georgia	1,837,353
Tennessee	1,766,518
Wisconsin	1,698,890
Virginia	1,655,980
Alabama	1,513,017
New Jersey	1,444,933
Minnesota	1,301,826
California	1,208,130
South Carolina	1,151,149
Nebraska	1,058,910
Maryland	1,042,300
West Virginia	702,798
Connecticut	746,253
Maine	661,086
Colorado	412,198
New Hampshire	376,530
Washington	349,390
Oregon	313,767
Vermont	332,442
South Dakota	328,898
Utah	207,905
North Dakota	182,711
Delaware	108,493
Total	50,117,440

The States and Territories which have not passed laws forbidding the sale of oleomargarine colored in semblance of butter are:

Population.	Population.
Texas	2,235,523
Indiana	2,192,404
North Carolina	1,617,947
Kansas	1,427,096
Mississippi	1,289,700
Arkansas	1,128,179
Louisiana	1,118,587
Florida	321,422
Rhode Island	345,506
District of Columbia	230,392
New Mexico	153,593
Montana	132,156
Idaho	84,385
Oklahoma	61,834
Wyoming	60,705
Arizona	59,620
Nevada	45,761
Total	12,004,790

I also submit a statement showing the States into which it was shipped, together with the number of dealers in each State and the number of pounds so disposed of:

Yellow oleomargarine sold contrary to law in 1893.

	Number of dealers	Quantity sold.		Number of dealers	Quantity sold.
		<i>Pounds.</i>			<i>Pounds.</i>
Alabama	21	226,063	New York	14	222,788
California	95	74,923	North Dakota	18	7,710
Colorado	95	1,123,537	Ohio	1,005	8,830,969
Connecticut	5	134,255	Oregon	3	41,250
Delaware	48	40,475	Pennsylvania	717	11,433,341
Georgia	61	495,004	South Carolina	24	258,159
Illinois	2,020	18,638,921	South Dakota	4	55,432
Iowa	3	79,922	Tennessee	83	714,640
Kentucky	217	1,490,577	Utah	1	8,450
Maine	17	102,274	Vermont	1	2,990
Maryland	53	1,791,950	Virginia	121	1,159,400
Massachusetts	108	2,063,889	Washington	5	63,345
Minnesota	30	1,343,865	West Virginia	172	1,206,865
Missouri	231	3,133,313	Wisconsin	23	714,742
Nebraska	73	1,024,985			
New Hampshire	19	445,583	Total	5,492	62,825,582
New Jersey	206	5,875,975			

Oleomargarine sold in States where legal to color.

	Number of dealers	Quantity sold.		Number of dealers	Quantity sold.
		<i>Pounds.</i>			<i>Pounds.</i>
Alaska	5	18,080	Mississippi	17	104,622
Arkansas	35	380,389	Montana	—	446,022
Arizona	5	78,767	Nevada	—	625
District of Columbia	61	816,848	New Mexico	12	115,850
Florida	82	590,225	North Carolina	9	110,224
Idaho	3	58,224	Oklahoma	10	117,398
Indiana	306	3,923,228	Rhode Island	333	3,594,984
Indian Territory	21	152,278	Texas	162	1,518,264
Kansas	186	1,658,544	Wyoming	5	39,547
Louisiana	140	1,043,502			
Michigan	109	2,002,521	Total	1,501	16,860,142

Also the following compilations of the substance of the dairy laws of the United States as published by the Agricultural Department:

ALABAMA—ANTI-COLOR LAW.

(Approved February 18, 1895.)

No article which is in imitation of pure yellow butter, and is not made wholly from pure milk and cream, shall be manufactured, sold, or used in any public eating place, hospital, or penal institution, etc.; but oleomargarine, free from color or other ingredient to cause it to look like butter, and made in such manner as will advise the consumer of its real character, is permitted. It must be stamped with its name.

ARIZONA.

No dairy laws.

ARKANSAS—MUST BE LABELED.

(Approved April 2, 1895.)

Substitutes for butter, whether in wholesale or retail packages, shall be plainly labeled "Adulterated butter," "Oleomargarine," or such other names as shall properly describe them. In hotels, etc., dishes containing said articles must be plainly marked in same manner.

CALIFORNIA—ANTI-COLOR LAW.

(Approved March 4, 1897.)

Imitation butter and cheese is defined as any article not produced from pure milk or cream, salt, rennet, and harmless coloring matter, which is in semblance of butter or cheese and designed as a substitute for such. Shall not be colored to imitate butter or cheese, and must be in such form as will advise consumer of its real character. Every package must be plainly marked "Substitute for butter" or "Substitute for cheese" and accompanied by a statement giving name of manufacturer, ingredients, etc., a copy of which must be given to each purchaser, with verbal notice, at the time of sale, in connection with which words like "creamery," "dairy," etc., are prohibited. Patrons of eating places shall be notified if substitutes of butter or cheese are used. Prohibited in State charitable institutions.

COLORADO—ANTI-COLOR LAW.

(Approved April 1, 1895.)

All articles not produced from pure milk or cream, in imitation of pure cheese or yellow butter, are prohibited; but oleomargarine and filled cheese are permitted if free from color or other ingredient to cause them to look like butter or cheese. They must be made in such form and sold in such manner as will advise the consumer of their real character. Cheese containing any foreign fats, oleaginous substances, rancid butter, etc., shall be branded "imitation cheese."

CONNECTICUT—ANTI-COLOR LAW.

(Public Acts, 1895.)

Imitation butter, defined as any article resembling butter in appearance and not made wholly, salt and coloring matter excepted, from cow's milk, is prohibited; but oleomargarine or imitation butter, free from color or other ingredient to cause it to look like butter, and made in such form and sold in such manner as will advise consumer of its real character, is permitted. Words like "butter," "dairy," etc., shall not form a part of its name or appear on its package. Imitation butter shall be sold only in labeled packages, or registered places which display signs, and purchasers shall be informed orally of the character of the article at the time of sale. Use of imitation butter in public eating places, bakeries, etc., must be made known by signs.

DELAWARE—ANTI-COLOR LAW.

(Passed May 8, 1895.)

The manufacture or sale of any article not produced from unadulterated milk or cream, which is in imitation of pure yellow butter or designed to take the place of pure cheese, is prohibited; but oleomargarine is permitted if in a distinct form, free from butter color, and sold in such manner as to show its real character; it shall be plainly marked "Oleomargarine."

DISTRICT OF COLUMBIA—BRANDING LAW.

(Approved March 2, 1895.)

Substances in semblance of butter or cheese, not made exclusively of milk or cream, but with the addition of melted butter or any oil, shall be plainly branded on each package "Oleomargarine," and a label, similarly printed, must accompany each retail sale.

FLORIDA—MUST NOTIFY GUESTS.

(Approved February 17, 1891.)

The sale of any spurious preparation, purporting to be butter, is prohibited. Guests at hotels, etc., must be notified if oleomargarine or other spurious butter is used.

GEORGIA—ANTI-COLOR LAW.

(Approved December 16, 1895.)

Imitation butter and cheese are defined as any article not produced from pure milk or cream—salt, rennet, and coloring matter excepted—in semblance of butter or cheese and designed to be used as a substitute for either. Shall not be colored to resemble butter or cheese. Every package must be plainly marked "Substitute for butter" or "Substitute for cheese," and each sale shall be accompanied by verbal notice and by a printed statement that the article is an imitation, the statement giving also the name of the producer. The use of these imitations in eating places, bakeries, etc., must be made known by signs.

IDAHO—BRANDING REQUIRED.

(Approved January 27, 1895.)

Brand required for sale of oleomargarine or butterine, imitation butter, or mixture imitating butter. These shall not be sold as butter.

ILLINOIS—ANTI-COLOR LAW.

(Approved June 14, 1897.)

Imitation butter is defined as any article not produced from pure milk or cream—salt, rennet, and coloring matter excepted—in semblance of butter and designed to be used as a substitute for it. Shall not be colored to resemble butter. All packages must be plainly branded "Oleomargarine," "Butterine," "Substitute for butter," or "Imitation butter." Each sale shall be accompanied by notice to the purchaser that the substitute is imitation butter.

INDIANA—LABEL LAW.

Butter other than that made from pure milk, when sold or used in hotels, etc., must be plainly labeled "Oleomargarine."

IOWA—ANTI-COLOR LAW.

(Passed in 1893.)

Imitation butter or cheese is defined as an article not produced from pure milk or cream—salt, rennet, and coloring matter excepted—in semblance of butter or cheese and designed to be sold as a substitute for either of them,

shall not be colored to resemble butter or cheese. Every package shall be plainly marked "Substitute for butter" or "Substitute for cheese," and each sale shall be accompanied by a verbal notice and a printed statement that the article is an imitation, the statement giving also the address of the maker. The use of these imitations in hotels, bakeries, etc., must be made known by signs.

No law.

KANSAS.

KENTUCKY—ANTI-COLOR LAW.

(Act of 1898.)

Oleomargarine, butterine, or kindred compounds, made in such form and sold in such manner as will advise the customer of its real character, and free from color or other ingredient to cause it to look like butter, is permitted.

LOUISIANA—LABEL LAW.

(Approved July 6, 1888.)

Such substances as oleomargarine, butterine, bogus butter, etc., shall be plainly labeled to indicate their composition. They shall not be sold as butter.

MAINE—ANTI-COLOR LAW.

(Approved March 27, 1895.)

Any article in imitation of yellow butter or cheese and not made exclusively of milk or cream is prohibited.

MARYLAND—ANTI-COLOR LAW.

(Passed in 1888.)

The manufacture, sale, or use in public eating places of any article in imitation of and designed to take the place of pure butter or cheese, and not made wholly from milk or cream, is prohibited. Mixtures of any animal fats or animal or vegetable oils with milk, cream, or butter shall be uncolored and marked with names and percentages of adulterants, and this information shall be given to purchasers.

MASSACHUSETTS—ANTI-COLOR LAW.

(Approved June 11, 1891.)

An article made wholly or partly out of any fat or oil, etc., not from pure cream, and which is in imitation of yellow butter, is prohibited; but oleomargarine, free from color or other ingredient to cause it to look like butter, and made in such form and sold in such manner as will advise the consumer of its real character, is permitted. It shall not be sold as butter, nor shall words like "dairy," "creamery," etc., or the name of any breed of dairy cattle, be used in connection with it. All packages exposed for sale must be plainly marked "Oleomargarine," and labels similarly marked must accompany retail sales. Stores where it is sold and wagons used for delivery must display signs, and hotels, etc., using it must notify guests. Persons selling oleomargarine must be registered and conveyors licensed.

MICHIGAN—ANTI-COLOR LAW.

(Approved April 15, 1897.)

Any article not made wholly from milk or cream, and containing melted butter, fats, or oils not produced from milk, and which is in imitation of pure butter, is prohibited; but oleomargarine, free from color or any ingredient to cause it to look like butter, and made in such form and sold in such manner as will advise the consumer of its real character, is permitted; its sale as butter is prohibited; signs must be displayed where it is sold or used, and its original packages must be plainly marked "Oleomargarine" if the article contains suet or tallow, or "Butterine" if it contains lard; retail sales shall be made from a package so marked, and a label similarly printed and bearing the name of the manufacturer shall be delivered with each sale; shall not be used in any public institution. (N. B.—The above law was invalidated in 1897 by the supreme court because of the fact that the enacting clause was omitted when it passed the senate.)

MINNESOTA—ANTI-COLOR LAW.

(Approved 1899.)

This law prohibits the sale of oleomargarine made in imitation of butter, and took the place of the pink law of 1891.

MISSISSIPPI—LABEL LAW.

(Approved March 9, 1882.)

Packages of oleomargarine or similarly manufactured butters shall be plainly labeled with the correct name of their contents, and the product shall be sold by that name. A privilege tax of \$5 is imposed upon persons selling the articles named.

MISSOURI—ANTI-COLOR LAW.

(Approved April 19, 1895.)

Imitation butter is defined as every article not produced wholly from pure milk or cream, made in semblance of and designed to be used as a substitute for pure butter; it shall not be sold as butter; shall not be colored to resemble butter unless it is to be sold outside the State; original packages shall be plainly stamped "Substitute for butter;" in hotels, etc., vessels in which it is served must be marked "Oleomargarine" or "Impure butter."

MONTANA—TAXED 10 CENTS A POUND.

(Penal code of 1895.)

Any article in semblance of butter or cheese and not made wholly from milk or cream must be plainly labeled "Oleomargarine" or "Imitation cheese," and a printed label bearing the same word or words must be delivered to the purchaser with retail sales. Places where these articles are sold or used must display signs, and information as to their character be given if requested. Dealers must pay a license of 10 cents a pound on each pound sold.

NEVADA—BRANDING LAW.

(Approved February 14, 1881.)

Any article in semblance of butter, but not made exclusively of milk or cream, or containing melted butter, shall be in packages plainly marked "Oleomargarine."

NEBRASKA—ANTI-COLOR LAW.

(Approved March 16, 1895.)

Imitation butter and cheese are defined as any article made in semblance of and designed to be used as a substitute for pure butter or cheese and not produced wholly from pure milk or cream, salt, rennet, and harmless coloring matter. These articles, including any having melted butter added to them, shall not be colored to resemble butter or cheese; shall be plainly marked "Imitation butter," or "Imitation cheese;" verbal and printed information of the character of the articles, and address of the maker, shall be given at time of sale; signs shall be displayed in public eating places where used.

NEW HAMPSHIRE—ANTI-COLOR LAW.

(Approved March 29, 1895.)

Any article not made wholly from unadulterated milk or cream, which is in imitation of pure yellow butter or cheese, is prohibited, unless in packages plainly marked "Adulterated butter," "Oleomargarine," or "Imitation cheese." A label printed with the words on the original package shall be delivered with each retail sale. Oleomargarine, free from color or ingredient to cause it to look like butter, and made in such form and sold in such manner as will advise the consumer of its real character, is permitted. Notice of the use of substitutes for butter in hotels, etc., shall be given to patrons.

NEW JERSEY—ANTI-COLOR LAW.

(Approved March 22, 1886.)

Any article made wholly or partly out of any fat, oil, etc., not from pure milk or cream, artificially colored in imitation of pure yellow butter, is prohibited; but oleomargarine and imitation cheese are permitted, if free from artificial color and in original package encircled by a wide black band bearing the name of the maker and having the name of the contents plainly branded on them with a hot iron. Retail sales shall be accompanied by a printed card on which the name of the substance and the address of the maker are plainly printed, and the customer shall be orally informed of the character of the article at the time of sale.

NEW MEXICO.

No law.

NEW YORK—ANTI-COLOR LAW.

(Approved April 10, 1893.)

The terms oleomargarine, butterine, imitation butter, or imitation cheese means any article in the semblance of butter or cheese not the usual product of the dairy and not made exclusively from unadulterated milk, or having any oil, lard, melted butter, etc., as a component part. Imitation butter: The manufacture of oleomargarine or any article in imitation of butter wholly or partly from fats or oils not produced from milk, or the sale or the use in hotels, etc., of such articles, is prohibited. No article intended as an imitation of butter and containing oils, fats, etc., not from milk, or melted butter in any condition, shall be colored yellow.

NORTH CAROLINA—LABOR LAW.

(Ratified February 23, 1895.)

Oleomargarine and butterine are defined as articles manufactured in imitation of butter, and which are composed of no ingredient or ingredients in combination with butter. Original packages shall be labeled with chemical ingredients and their proportions.

NORTH DAKOTA—ANTI-COLOR LAW.

(Laws of 1899.)

Law prohibits manufacture and sale of oleomargarine colored in semblance of butter.

OHIO—ANTI-COLOR LAW.

(Approved May 16, 1894.)

Oleomargarine is defined as any substance not pure butter of not less than 80 per cent butter fat and made for use as butter. It is permitted if free from coloring matter or other ingredient to cause it to look like butter, and made in such form and sold in such manner as will advise the consumer of its real character.

OKLAHOMA.

No laws.

OREGON—ANTI-COLOR LAW.

(Filed February 21, 1899.)

Forbids the manufacture and sale of oleomargarine colored in semblance of butter.

PENNSYLVANIA—ANTI-COLOR LAW.

(Passed in 1899.)

Prohibits manufacture and sale of oleomargarine made in semblance of butter.

RHODE ISLAND—BRANDING LAW.

(Laws of 1882.)

Any article not made wholly from pure milk or cream, but containing any melted butter or animal oil or fat not the product of milk, shall be plainly marked "Oleomargarine," and a label similarly printed shall be delivered with all retail sales.

SOUTH CAROLINA—ANTI-COLOR LAW.

(Approved March 9, 1896.)

Imitation butter and cheese are defined as every article not produced from pure milk or cream, with or without salt, rennet, and harmless coloring matter, which is in semblance of, and designed to be used as, a substitute for butter or cheese; they shall not be colored to resemble butter or cheese; original packages shall be marked "Substitute for butter," or "Substitute for cheese;" shall not be sold as genuine butter or cheese, nor used in hotels, etc., unless signs are displayed.

SOUTH DAKOTA—ANTI-COLOR LAW.

(Laws of 1897.)

Any article not made wholly from pure milk or cream, and in imitation of pure butter, is prohibited; but oleomargarine, colored pink and made in such form and sold in such manner as will advise the consumer of its real character, is permitted; notice of its use in public eating places must be given.

TENNESSEE—ANTI-COLOR LAW.

(Act of 1895.)

Any article which is in imitation of yellow butter and not made exclusively from pure milk or cream is prohibited; but oleomargarine, free from color or other ingredient to cause it to look like butter, and made in such form and sold in such manner as will advise the consumer of its true character, and other imitations if uncolored and labeled with their correct names, are permitted; wholesale packages shall be plainly labeled, and a label shall accompany retail sales.

TEXAS.

No law.

UTAH—ANTI-COLOR LAW.

(Approved March 8, 1894.)

Any article in semblance of butter or cheese, and not made wholly from milk or cream, shall be plainly marked "Oleomargarine butter," or "Imitation cheese," and retail sales shall be made from packages so marked. Such articles shall not be colored to resemble butter or cheese.

VERMONT—PINK LAW.

(Laws of 1884.)

The manufacture of any article in imitation of butter or cheese which contains any animal fat, or animal or vegetable oils or acids not produced from pure milk or cream, is prohibited.

Imitation butter.—Imitation butter for use in public eating places, or for sale, shall be colored pink.

VIRGINIA—ANTI-COLOR LAW.

(Approved January 29, 1898.)

The manufacture or sale of any article made wholly or partly from any fat or oil not produced from unadulterated milk or cream, which is in imitation of pure yellow butter, is prohibited; but oleomargarine, butterine, or kindred compound, made in such form and sold in such manner as will advise the consumer of its real character, and free from color or other ingredient to cause it to look like butter, are permitted. Signs with the words "Imitation butter used here" shall be displayed in eating places, bakeries, etc., where the articles above named are used.

WASHINGTON—ANTI-COLOR LAW.

(Approved March 11, 1895.)

No article which is in imitation of pure yellow butter and is not made wholly from pure milk or cream, with or without harmless coloring matter, shall be manufactured, sold, or used in any public eating house or eleemosynary or penal institution, etc.; but oleomargarine free from color or other ingredient to make it look like butter, and made in such form and sold in such manner as will advise the consumer of its real character, is permitted.

WEST VIRGINIA—PINK LAW.

(Approved February 16, 1891.)

Any substance in semblance of butter or cheese, and not made wholly from pure milk or cream, and packages containing such substances, shall be plainly marked; printed statements explaining the character of the substance must be given to consumers.

Oleomargarine.—Oleomargarine and artificial and adulterated butter shall be colored pink.

WISCONSIN—ANTI-COLOR LAW.

(Laws of 1895.)

Any article made partly or wholly out of any fat or oil, etc., not from pure milk or cream, and in imitation of yellow butter, is prohibited; but oleomargarine, free from color or other ingredient to make it look like butter, and made in such form and sold in such manner as will advise the consumer of its real character, is permitted. It shall not be sold as butter. All packages exposed for sale must be plainly marked "Oleomargarine." Signs must be displayed in selling places and on wagons. Hotels, etc., using it must notify guests. Use not permitted in charitable or penal institutions.

WYOMING.

No dairy laws.

Also what Judge Harlan had to say in delivering this opinion:

And yet it is supposed the owners of a compound which has been put in a condition to cheat the public into believing it is a particular article of food in daily use and eagerly sought for by people in every condition of life are protected by the Constitution in making a sale of it against the will of the States in which it is offered for sale because of the circumstance that it is in an original package and has become a subject of ordinary traffic. We are unwilling to accept this view. We are of the opinion that it is within the power of a State to exclude from its markets any compound manufactured in another State which has been artificially colored or adulterated so as to cause it to look like an article of food in general use and the sale of which may, by reason of such coloration or adulteration, cheat the general public into purchasing that which they may not intend to buy.

The Constitution of the United States does not secure to anyone the privilege of defrauding the public. The deception against which the statute of Massachusetts is aimed is an offense against society. The States are as competent to protect their people against such offenses or wrongs as they are to protect them against crimes or wrongs of more serious character, and this protection may be given without violating any right secured by the national Constitution and without infringing the authority of the General Government. A State enactment forbidding the sale of deceitful imitations of articles of food in general use among the people does not abridge any privilege secured to citizens of the United States, nor in any just sense interfere with the freedom of commerce among the several States.

From other authorities:

It has been uniformly held that the legislature, in the exercise of its police powers for the protection of the general welfare of the community and the promotion of the public health, has the right to prohibit the manufacture and sale of any article of food in imitation or semblance of another well-known article of food in a form which is calculated or likely to deceive the buyer or the consumer, and in any substitutes for butter, where the act is aimed at a designed and intentional imitation of butter in the manufacture of the new product and not at a resemblance of qualities inherent in the articles themselves and common to both. (*Plumley vs. Massachusetts*, 155 U. S. 461; *Commonwealth vs. Plumley*, 163 Mass. 169; *Waterbury vs. Newton*, 50 N. J. Law, 594; *People vs. Aarensburg*, 105 N. Y. 123; *McAllister vs. State*, 72 Mo. 390; *State vs. Addington*, 77 Mo. 110; *Commonwealth vs. Schollenberger*, 155 Pa. 201; *State vs. Marshall*, 64 N. H. 549; *Wellmon vs. State*, 56 N. W. Rep., 688 Minn.; *Cook vs. State*, 20 Southern Rep., 566 Ala.)

Also the Attorney-General's letter to President McKinley, which is as follows:

The petitioners, Joseph Wilkins and Howard Butler, were convicted of fraudulently removing labels from packages containing oleomargarine in violation of the act of August 2, 1896, and were sentenced on March 17, 1898, as to Wilkins, to imprisonment for six months and to pay a fine of \$1,500 and costs, and, as to Butler, to imprisonment for four months and to pay a fine of \$500 and costs.

The judgment of the district court was subsequently affirmed in the circuit court of appeals, to which it was taken by the defendants, and an application subsequently made to the Supreme Court for a writ of certiorari was denied. Thereupon, in November last, the petitioners were committed to serve their sentences of imprisonment.

The grounds of the application for a pardon as to Joseph Wilkins are that he has a wife and child, and that each of the prisoners is of good reputation and standing and has never been convicted of any other crime. They request, in view of the humiliation and disgrace already suffered by them, as well as of the heavy fines imposed, and in view of their good reputation and standing in the community, and of the fact that no revenue has been lost to the Government, that that portion of the sentence providing for imprisonment be remitted.

The records of the office of internal revenue show that Wilkins has been

a persistent violator of the oleomargarine laws and that prior to the present prosecution he has escaped punishment by means of money payments in compromise. The records show that on December 14, 1893, Wilkins filed a proposition to pay \$2,100 and costs in compromise of all liabilities, civil and criminal, incurred in the first district of Illinois for selling oleomargarine as butter and by violating various sections of the law relating to wholesale dealers in oleomargarine. This offer was accepted December 28, 1893.

April 4, 1895, less than a year and a half after the last settlement, Wilkins again filed an offer of compromise, agreeing to pay \$2,000 in settlement of his liabilities for alleged frauds under the oleomargarine law committed in connection with a firm in West Virginia. This offer was also accepted.

A year later, April 2, 1896, Wilkins was indicted with another in the District of Columbia for selling unstamped oleomargarine. On June 20, 1896, he offered to pay \$1,000 in compromise, but this being rejected, the case went to trial and the accused was acquitted. There are three separate indictments against him pending now in the District of Columbia for selling oleomargarine in unstamped packages. These indictments were found January 4, 1897.

The offense of which the petitioners are now convicted was committed December 20, 1896, two days after the verdict of acquittal in the trial in the District of Columbia. The petitioners were discovered by a revenue agent in the act of scraping off the stamps, marks, and brands from packages of oleomargarine.

In connection with the present case, an offer to pay \$8,000 and costs in compromise was made, but rejected February 23, 1898, and thereupon the case went to trial with the result above stated.

It is obvious that the business in which Wilkins was engaged must have been one of great profit, otherwise he could not have afforded to make the very large payments in compromise which he did make or offered to make.

That he was aware of the fraudulent and dishonorable nature of the business in which he was persistently engaged appears from his own statement made in a letter addressed to the Commissioner of Internal Revenue, October 31, 1893, from which I quote the following:

"Having a thorough knowledge of the butterine business, and knowing the possibilities of that business if worked in certain directions and ways, I determined to try it, having the desire to make large gains quick. * * * After I found that some of my goods had been seized in Cincinnati I settled up my business as quickly as possible and did notship any more. I came to you voluntarily, and I sincerely trust you will deal with me as leniently as the law will allow you, promising you faithfully that no such thing as this will ever occur again with me, and, if I am allowed to make a request, I ask that I be allowed to settle without having the Western houses know anything of my doings, because I know it was very dishonorable in me to do as I have done, and if I am allowed to go along in life without the public knowing of my misdeeds, then I shall feel sure that I can make a new start in some way that is entirely honorable.

"I realize full well that I could have in some way kept away from the hands of the law, but to do this would mean the staying away from home and relatives, and, above all, the constant strain on my mind, and with the sense that I had done a great wrong, I could not stand it. Trusting that you will allow me to settle immediately, which will allow me to drift back into the channels of straight and legitimate business soon, I remain."

Notwithstanding that the authorities were induced to settle with him upon his promise of abstinence in the future from similar violations of the law, it appears that he straightway resumed his operations, undoubtedly taking courage from the success with which he had compromised the first offenses in which he had been discovered.

It is absolutely clear that for such a persistent violator of the law something more than a money penalty was essential. The sentence of imprisonment imposed in this case was peremptorily required by the circumstances. Nor can I say that the sentence was anything but moderate. It is less than the average sentence imposed upon persistent violators of the internal-revenue laws relating to the distillation of spirits, and much less than the ordinary sentences imposed for violation of the laws against the use of the mails for fraudulent purposes.

Not only is the dignity of the law to be upheld against such persistent violations, but the public is entitled to be protected by the salutary influence of stern punishment against fraud and deception, such as were practiced in this case, by means of which the petitioners were enabled to impose upon innocent purchasers as genuine butter a counterfeit article, which, if sold for what it really was, would have brought very much less in the open market.

I do not think that the sentences should be interfered with.

Mr. KLEBERG. Mr. Speaker, I have looked with some degree of curiosity over this entire bill, and one of the strange features of it is that it puts a tax of one-fourth of 1 per cent on the uncolored material. This tax is not only aimed against the colored article, but even at the uncolored raw material. Now, why uncolored oleomargarine should be singled out I can not see. I think that Congress might as well put a tax of one-fourth of 1 per cent on apples, or peanuts, or on bacon, or any other article of food, as to put it on the pure article of uncolored oleomargarine. This whole matter seems to be on a color line. It is so apparent in the first section of this bill. The idea is not to stop the adulteration of food, or to prosecute the frauds against the illegal sale of oleomargarine, but it is simply to stamp it out, and to stamp out one industry for the benefit of another.

This bill, if it is constitutional, gives the legislature of every State a positive right to stamp out the manufacture of all classes of oleomargarine, whether colored or not. First, it says practically that no oleomargarine of any color shall be manufactured in any State, or at least the legislature in any State is given the power to prevent it. It says that it shall not look like butter, but we are not informed whether butter is to look yellow or whether it should be white or green. The legislature in these States would have the power to absolutely suppress the manufacture of oleomargarine in any form that looks like butter, not only with reference to the color, but in reference to the shape. I suppose, if oleomargarine were to be manufactured and sold in bricks, like it is now, although it be white, green, or whatever color, the legislature, under this act, if it would be constitutional—which I can not think it is—would be authorized to suppress the manufacture and sale of oleomargarine.

So there is just one intention in this bill, and it is disclosed on the very face of it—that is the utter destruction of the manufac-

ture and enterprise and industry of oleomargarine and the sale of it, and to prefer to it another interest—the dairy interest.

Now, Mr. Speaker, in the name of the live-stock interest of this country, not only of my district and my State, but throughout this nation, in the name of the cotton planters of the South, I protest against any such rank class legislation. [Applause.]

That this legislation is not intended to prevent adulteration of butter is evident from the fact that under this bill, if it be enacted, there are no greater safeguards to prevent the manufacture and sale of adulterated and impure butter than there are under the law as it exists now. If it were the intention of the advocates of this bill to suppress the manufacture and sale of spurious butter generally, whether made wholly or partly of either cream or oleomargarine, and thus invoke by indirection the taxing power of the Congress under the Constitution, there might be found an excuse for it; but no such intention is revealed in the bill or the discussions of its advocates.

Yet it is a well-known fact, denied by no one, that a great deal of so-called spurious, impure, and unwholesome butter, ostensibly made of cream of milk, is manufactured and sold as pure butter, and that the consumer is deceived and defrauded every time he uses this spurious article. The evidence before the committee discloses beyond dispute the fact that old and rancid country butter is bought up indiscriminately by certain establishments and by a renovating process is placed upon the market as fresh cow butter, when it is nothing of the kind; yet there is nothing in this bill which even squints at the suppression of this palpable fraud of adulteration.

The evidence before the committee further discloses the fact that so-called dairy butter is frequently impregnated with tuberculosis bacilli, and is thus made the purveyor of consumption and tuberculosis in various phases into the human system, while on the other hand oleomargarine or butterine is comparatively free of all germs injurious to the human system; that it is manufactured of the pure caul tallow from the beef, the lard leaf of the hog, the best of cotton-seed oil, and sterilized cream, all of which ingredients undergo a careful inspection and a process of heating and sterilization which render the finished article absolutely pure, or at least approximately so.

The evidence further discloses the fact as given by many eminent chemists, including the Chief Chemist of the Agricultural Department of the United States, that oleomargarine as manufactured by the leading factories of this country is a wholesome article of food, but that tuberculosis is very prevalent among dairy cows, and that it is much safer and healthier for a consumer to eat oleomargarine than creamery butter, so that in the face of such testimony it will not be contended by the advocates of this bill that they ask its passage to prevent the sale or manufacture of impure butter as an article of food.

Neither can it be said that this bill is aimed at the fraudulent sale of oleomargarine for creamery butter, because such fraud can be committed as well under this bill as under the present law, and by reason of the higher tax of 10 cents per pound on colored oleomargarine, which this bill provides, increases the temptation to commit such fraud. The substitute offered by the minority of the committee, however, would practically make it impossible that such frauds could be committed. It would have the effect of placing creamery butter and oleomargarine upon their respective merits by making it practically impossible to sell one for the other, and would moreover have the effect of crowding impure, inferior, spurious, or so-called renovated process and adulterated creamery butter, which is now fraudulently sold for pure creamery butter and at the same high prices, out of the market, and would substitute for it the cheaper and more wholesome article of genuine oleomargarine. Yet the advocates of the Grout bill, who speak so much of fraud and adulteration, will not support the substitute for their bill. It can not be their intention, then, to suppress fraud and adulteration in the sale and manufacture of butter or butterine as an article of food.

But it is contended that it is a fraud on the part of the manufacturers of oleomargarine to color it yellow like creamery butter. But we reply that creamery butter is not offered upon the market in its natural color, and that if it be a fraud—which we deny—to color oleomargarine, why is it not a fraud to color butter yellow, which in its natural color during a great part of the year is white or not sufficiently yellow? The color is put in both substances to make them more palatable to the consumer, not in imitation of one or the other article.

It is a further fact that the yellow color was first used in oleomargarine and then adopted by the dairymen to make creamery butter more salable. Then where is the justice to draw the color line against oleomargarine? Why, if creamery butter sells on its merits, color it? If it needs no color to recommend its sale and use, why not offer it to the market in its natural state and permit oleomargarine to be sold in its yellow color, when it would be impossible to sell it as creamery butter, because its color would brand it as oleomargarine? But the fact is the consumer demands, for

reasons of appearance and palatability that both creamery butter and oleomargarine shall be colored, and therefore it would injure the sale to discontinue the coloring of either and a manifest injustice to compel the discoloring of one by law, not only to the manufacturer and the producer, but to the consumer, who should always have the privilege of choice.

The hearings before the committee disclose the fact that the price of choice creamery butter has steadily advanced and has had no competition from the manufacture and sale of pure oleomargarine, and that the latter, on account of its good qualities and its cheapness, has had the effect of competing with the inferior and spurious articles of creamery butter, thus promoting the legitimate business of the dairymen and the health, comfort, and demand of the consumer, as well as benefiting the producer of beef tallow, lard, and cotton-seed oil. Where, then, is to be found the reason for the enactment of this drastic piece of class legislation?

It must be found in the business of the manufacturer of so-called inferior and spurious creamery butter, who contemplates building up a trust or monopoly by law in an article of food which is neither desirable nor wholesome, by destroying the manufacture and sale of oleomargarine or butterine, which is a more wholesome and cheaper article of food than his so-called creamery butter, so that it can no longer compete with his inferior butter, and compel the consumer to buy and use his article alone. To effect this he has worked up a public sentiment in favor of pure creamery butter and a prejudice against oleomargarine, and flooded the country with cut-and-dried resolutions of dairy associations and letters and postal cards of individual dairymen, and bombarded members of Congress with them, and even threatened to defeat all those who oppose this bill.

There is a great hue and cry that the dairy business of this country is threatened and will be driven out of existence by the oleomargarine industry. I assert that upon the evidence before the Committee on Agriculture upon this bill the testimony of disinterested witnesses proves that no such result is impending; but the whole testimony of nearly all the witnesses shows that a great and legitimate enterprise, involving millions of dollars, to wit, the manufacture of oleomargarine, is, if not totally destroyed, to be seriously crippled, and the price of every bovine and swine in the country reduced, involving the loss of over \$100,000,000; that the cotton-seed oil-mill industry and the cultivation of this great staple in the South is to be seriously affected; that thousands of laborers and producers engaged in these great enterprises will be injuriously affected, and that thousands upon thousands of consumers of oleomargarine will be compelled to use it in its uncolored state or quit eating it. This is not only an unjust discrimination against the people who are interested in the production of the raw material entering into oleomargarine, and its manufacturers, but an unwarranted attack upon the rights of the consumer who may prefer on his table colored oleomargarine to the best creamery butter, colored or uncolored, on earth. This is class legislation run mad, which, whether constitutional or not, is the essence of tyranny. [Loud applause.]

Mr. GROUT. I yield to the gentleman from New York [Mr. WADSWORTH].

Mr. WADSWORTH. I send to the desk an amendment in the nature of a substitute for the Grout bill.

The SPEAKER. The proposed substitute will be read.

Mr. WADSWORTH. Unless the House wants to hear the substitute read, I ask unanimous consent that the reading be dispensed with and that it be printed in the RECORD.

The SPEAKER. The gentleman from New York asks unanimous consent that the reading of the substitute be dispensed with and that it be printed in full in the RECORD. Is there objection? The Chair hears none, and it is so ordered.

The proposed substitute is as follows:

Strike out all after the enacting clause and insert: "That sections 3 and 6 of an act entitled 'An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine,' approved August 2, 1886, be amended so as to read as follows:

"Sec. 3. That special tax on the manufacture and sale of oleomargarine shall be imposed as follows: Manufacturers of oleomargarine shall pay \$600 per annum. Every person who manufactures oleomargarine for sale shall be deemed a manufacturer thereof.

"Wholesale dealers in oleomargarine shall pay \$480 per annum. Every person who sells or offers for sale oleomargarine in quantities greater than 10 pounds at a time shall be deemed a wholesale dealer therein; but a manufacturer of oleomargarine who has given the required bond and paid the required special tax, and who sells oleomargarine of his own production only at the place of its manufacture in the original packages, to which the tax-paid stamps are affixed, shall not be required to pay the special tax of a wholesale dealer on account of such sales.

"Retail dealers in oleomargarine shall pay \$48 per annum. Every person who sells or offers for sale oleomargarine in quantities not greater than 10 pounds at a time shall be regarded as a retail dealer therein.

"Sec. 6. That all oleomargarine shall be put up by the manufacturer for sale in packages of 1 and 2 pounds, respectively, and in no other or larger or smaller package; and upon every print, brick, roll, or lump of oleomargarine, before being so put up for sale or removal from the factory, there shall be impressed by the manufacturer the word 'Oleomargarine' in sunken letters, the size of which shall be prescribed by regulations made by the Commissioner of Internal Revenue and approved by the Secretary of the Treasury; that every such print, brick, roll, or lump of oleomargarine shall first be

wrapped with paper wrapper with the word "Oleomargarine" printed on the outside thereof in distinct letters, and said wrapper shall also bear the name of the manufacturer, and shall then be put singly by the manufacturer thereof in such wooden or paper packages or in such wrappers and marked, stamped, and branded with the word "Oleomargarine" printed thereon in distinct letters, and in such manner as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe, and the internal-revenue stamp shall be affixed so as to surround the outer wrapper of each 1 and 2 pound package: *Provided*, That any number of such original stamped packages may be put up by the manufacturer in crates or boxes, on the outside of which shall be marked the word "Oleomargarine," with such other marks and brands as the Commissioner of Internal Revenue shall, by regulations approved by the Secretary of the Treasury, prescribe.

"Retail dealers in oleomargarine shall sell only the original package to which the tax-paid stamp is affixed, and shall sell only from the original crates or boxes in which they receive the pound or 2-pound prints, bricks, rolls, or lumps.

"Every person who knowingly sells or offers for sale, or delivers or offers to deliver, any oleomargarine otherwise than as provided by this act or contrary to the regulations of the Commissioner of Internal Revenue made in pursuance hereof, or who packs in any package any oleomargarine in any manner contrary to law, or who shall sell or offer for sale, as butter, any oleomargarine, colored or uncolored, or who falsely brands any package, or affixes a stamp on any package denoting a less amount of tax than that required by law, shall be fined for the first offense not less than one hundred nor more than five hundred dollars and be imprisoned not less than thirty days nor more than six months; and for the second and every subsequent offense shall be fined not less than two hundred nor more than one thousand dollars and be imprisoned not less than sixty days nor more than two years."

Mr. GROUT. I now ask the previous question on the bill and amendments. It is time that we should proceed to a vote.

Mr. BAILEY of Texas. I ask the gentleman to withdraw for a moment the call for the previous question. I would like to be heard.

Mr. GROUT. How much time does the gentleman desire to occupy?

Mr. BAILEY of Texas. I shall not go farther than the rule allows. I shall be content with five minutes.

Mr. GROUT. The gentleman must notice that it is getting very late and we are to have two roll calls; but I yield to him.

The SPEAKER. The gentleman from Texas is recognized for five minutes.

Mr. BAILEY of Texas. Mr. Speaker, the pretense of those who support the bill reported by the committee has been that it is an effort to prevent a fraud; but the gentleman from Pennsylvania—unwittingly, no doubt—revealed to the House the true purpose of the measure when he argued that it will prevent the enormous loss which he declares the dairy interests of this country have sustained from competition with oleomargarine. He thus admits what has been so often charged in this debate, that this bill simply invokes the taxing power of the Government to suppress one legitimate industry in favor of another. These gentlemen can not be sincere in alleging that their purpose is to prevent fraudulent practice, because they must know that every State in this Union possesses to-day ample power to accomplish that end. The Supreme Court of the United States, in the case of *Plumley vs. The State of Massachusetts*, has distinctly and positively affirmed the plenary power of the States over the suppression of fraudulent practices with respect to this very article. The court in that case wisely said:

If there be any subject over which it would seem the States ought to have plenary control and the power to legislate in respect to which it ought not to be supposed was intended to be surrendered to the General Government, it is the protection of the people against fraud and deception in the sale of food products. Such legislation may, indeed, indirectly or incidentally affect trade in such products transported from one State to another State. But that circumstance does not show that laws of the character alluded to are inconsistent with the power of Congress to regulate commerce among the States.

It is very true, sir, that that decision was given by a divided court—

Mr. BUTLER. Will the gentleman allow me one question?

Mr. BAILEY of Texas. I have only five minutes, but I will yield.

Mr. BUTLER. I am very much obliged to the gentleman. Will he kindly answer whether or not the commodity which was in question in that case of *Plumley vs. Massachusetts* was sold in the original package?

Mr. BAILEY of Texas. The case did not turn on that question. The act was entitled "An act to prevent fraudulent practice in respect to the imitation and sale of butter." It imposed severe penalties; and the court upheld the law as an exercise of the police power of the State. It declared that the State had the right to control imitations and fraudulent practices such as are involved in the sale of oleomargarine for butter.

There was in that case, as I was about to say when interrupted by the gentleman from Pennsylvania, a dissenting opinion delivered by the Chief Justice and concurred in by two of his associates; but, sir, that dissenting opinion proceeded upon the theory that oleomargarine, so far as that record disclosed, was as healthy as butter itself. The majority of the court held that the State could suppress a fraud; the minority dissented, upon the ground that oleomargarine was not a fraud.

Why, Mr. Speaker, it frequently happens that a deception is an

innocent one. No man claims that a dairy establishment—such, for instance, as the great Elgin Creamery—when it sends its butter to one city more deeply colored than to another, does so fraudulently. Nobody claims that a fraud is intended. Nobody claims that there is any attempt to rob an unsuspecting public. There are many innocent and harmless deceptions, and most of all about the question of color. Who believes that a beautiful woman, when she happens to paint her cheek, is trying to deceive us to our injury? [Laughter.] Yet, sir, many ladies—God bless them!—color their cheeks different from what God and nature painted them. If it is to be charged that every time an article is colored or discolored somebody is attempting to practice a fraud, then why not make it a crime to color butter, just as it is now proposed to make it a crime to color oleomargarine? [Applause.]

[Here the hammer fell.]

Mr. GROUT. Mr. Speaker, the case to which the gentleman from Texas [Mr. BAILEY] has just referred—a case which arose in the State courts of Massachusetts, but came up on writ of error to the Supreme Court of the United States—was fully discussed by me, as will be remembered, in the opening of this debate. It is true no question was made in that case but that oleomargarine might be a wholesome article of food. The case went on the ground that it was a fraud—

Mr. BAILEY of Texas. You say that what you are after is fraud. I say not.

Mr. GROUT. The Supreme Court said that oleomargarine was a fraud and that it was within the province of the local law of Massachusetts to prohibit it. I explained to the House that the decision still stands, but as it was by a divided court it might be reversed, and that it is the desire of the dairymen of the country to have it written also in the statute law of the land, where it can not be reversed except by legislative action. So much for this.

Now, Mr. Speaker, the first question will be upon the Wadsworth bill just offered as a substitute for the bill before the House—

Mr. WADSWORTH. Not the Wadsworth bill, but the substitute reported by the minority of the committee.

Mr. GROUT. Yes, the minority substitute; but it is known as the Wadsworth substitute. The objections to this substitute have been fully presented by other speakers and I have no time to enter into a serious discussion of it, and will close by reading a letter forwarded to me by Hon. STEPHEN B. ELKINS, Senator from West Virginia:

MONTROSE, W. VA., December 1, 1900.

DEAR SENATOR: I have a small family, small farm, and a Jersey cow. I am satisfied, for everything has gone my way. It's the cow that's kicking. She's "kicking" 'gainst the Wadsworth substitute for the Groat bill.

Yours, truly,

ORB WHITE.

STEPHEN B. ELKINS.

[Laughter.]

Mr. WADSWORTH. All I can say in answer to the gentleman from Vermont and to the letter which he has read is that I am not ashamed to look the cow in the face. [Laughter.]

Mr. GROUT. Mr. Speaker, I will let the gentleman from New York and the cow have it out. I now call for the previous question upon the bill and amendments.

The previous question was ordered.

The SPEAKER. The first question is upon the substitute offered by the gentleman from New York [Mr. WADSWORTH].

Mr. WADSWORTH. Mr. Speaker, I ask for the yeas and nays on the adoption of the substitute.

The yeas and nays were ordered.

The question was taken; and there were—yeas 114, nays 179, answered "present" 5, not voting 58.

YEAS—114.

Aldrich,	Cooney,	Lane,	Rodenberg,
Allen, Ky.	Cooper, Tex.	Lanham,	Shackleford,
Allen, Miss.	Cowherd,	Lassiter,	Sheppard,
Atwater,	Crumpacker,	Latimer,	Sims,
Bailey, Kans.	Cummings,	Lester,	Slayden,
Bailey, Tex.	Cusack,	Lewis,	Smith, Ky.
Ball,	Davis,	Linney,	Snodgrass,
Bankhead,	De Graffenried,	Little,	Southard,
Bartholdt,	Finley,	Livingston,	Sparkman,
Bartlett,	Fitzgerald, Mass.	Long,	Steele,
Bellamy,	Fleming,	Lorimer,	Stephens, Tex.
Benton,	Foster,	Loud,	Stewart, Wis.
Boutell, Ill.	Fowler,	Loudenslager,	Stokes,
Bowersock,	Fox,	Lovering,	Talbert,
Brantley,	Gaines,	McClellan,	Taylor, Ala.
Bromwell,	Gayle,	McClulloch,	Terry,
Bronssard,	Gibson,	McDermott,	Thomas, N. C.
Burke, Tex.	Graham,	McLain,	Turner,
Burleson,	Griggs,	McRae,	Underwood,
Burnett,	Grosvenor,	Mann,	Vandiver,
Burton,	Hawley,	Mercer,	Wadsworth,
Capron,	Hedge,	Naphen,	Warner,
Carmack,	Henry, Miss.	Noonan,	Wheeler,
Catchings,	Henry, Tex.	Overstreet,	White,
Clark, Mo.	Johnston,	Pearce, Mo.	Williams, W. E.
Clayton, Ala.	Joy,	Pierce, Tenn.	Williams, Miss.
Clayton, N. Y.	Kitchin,	Ransdell,	Wilson, S. C.
Cochran, Mo.	Kleberg,	Rhea, Ky.	
Connell,	Knox,	Richardson, Ala.	

NAYS—179.

Acheson,	Faris,	Lawrence,	Russell,
Adams,	Fletcher,	Littauer,	Ryan, N. Y.
Alexander,	Fordney,	Littlefield,	Ryan, Pa.
Allen, Me.	Foss,	Lloyd,	Salmon,
Babcock,	Gamble,	Lybrand,	Scudder,
Barber,	Gardner, Mich.	McCleary,	Shattuc,
Barney,	Gardner, N. J.	McDowell,	Shaw,
Bell,	Gaston,	Mahon,	Shelden,
Bingham,	Gilbert,	Marsh,	Sherman,
Bishop,	Gill,	Meekison,	Showalter,
Boreing,	Gillet, N. Y.	Metcaif,	Sibley,
Breazeale,	Gillett, Mass.	Miers, Ind.	Smith, Ill.
Brenner,	Glynn,	Miller,	Smith, Iowa
Brick,	Gordon,	Minor,	Smith, H. C.
Brown,	Graft,	Moody, Mass.	Smith, Samuel W.
Brownlow,	Greene, Mass.	Moody, Oreg.	Smith, Wm. Alden
Bull,	Green, Pa.	Moon,	Spalding,
Burke, S. Dak.	Griffith,	Morgan,	Sperry,
Burkett,	Grout,	Morris,	Stark,
Burleigh,	Grow,	Mudd,	Stevens, Minn.
Butler,	Hall,	Needham,	Stewart, N. J.
Calderhead,	Hamilton,	Neville,	Stewart, N. Y.
Caldwell,	Haugen,	Newlands,	Sulloway,
Cannon,	Hay,	Norton, Ohio	Sutherland,
Cochrane, N. Y.	Heatwole,	O'Grady,	Tate,
Conner,	Henry, Conn.	Olmsted,	Tawney,
Cooper, Wis.	Hepburn,	Otey,	Taylor, Ohio
Corliss,	Hill,	Packer, Pa.	Thayer,
Cousins,	Hitt,	Payne,	Thomas, Iowa
Cromer,	Hoffecker,	Pearson,	Thropp,
Crowley,	Hopkins,	Pearre,	Tompkins,
Curtis,	Howard,	Phillips,	Tongue,
Dahle,	Howell,	Polk,	Van Voorhis,
Dalzell,	Hull,	Powers,	Vreeland,
Davenport, S. A.	Jack,	Prince,	Watson,
Davenport, S. W.	Jenkins,	Pugh,	Weaver,
Davidson,	Jett,	Quarles,	Weeks,
De Armond,	Jones, Va.	Ray, N. Y.	Weymouth,
Dick,	Jones, Wash.	Reeder,	Williams, J. R.
Dougherty,	Kerr, Ohio	Rhea, Va.	Wood,
Dovener,	Ketcham,	Rixey,	Wright,
Driscoll,	Kluttz,	Robb,	Young,
Eddy,	Lacey,	Robinson, Ind.	Zenor,
Emerson,	Lamb,	Robinson, Nebr.	Ziegler,
Esch,	Landis,	Rucker,	

ANSWERED "PRESENT"—5.

Adamson,	Maddox,	Meyer, La.	Morrell.
King,			

NOT VOTING—58.

Baker,	Dayton,	May,	Small,
Barham,	Denny,	Mesick,	Spight,
Berry,	Dinsmore,	Mondell,	Sprague,
Boutelle, Me.	Driggs,	Muller,	Stallings,
Bradley,	Elliott,	Norton, S. C.	Sulzer,
Brewer,	Fitzgerald, N. Y.	Otjen,	Swanson,
Brosius,	Fitzpatrick,	Parker, N. J.	Underhill,
Brundidge,	Freer,	Reeves,	Wachter,
Campbell,	Hemenway,	Richardson, Tenn.	Wanger,
Chanler,	Kahn,	Ridgely,	Waters,
Clarke, N. H.	Kerr, Md.	Riordan,	Wilson, Idaho
Cox,	Lentz,	Roberts,	Wilson, N. Y.
Crump,	Levy,	Robertson, La.	Wise.
Cushman,	McAleer,	Ruppert,	
Davey,	McCall,	Shafroth,	

So the substitute was rejected.

The following pairs were announced:

Until further notice:

Mr. BARHAM with Mr. SMALL.

Mr. CLARKE of New Hampshire with Mr. RUPPERT.

Mr. WILSON of Idaho with Mr. WILSON of New York.

Mr. PARKER of New Jersey with Mr. ELLIOTT.

Mr. MESICK with Mr. FITZGERALD of New York.

Mr. WATERS with Mr. DAVEY.

Mr. FREER with Mr. RANDELL.

Mr. PEARSON with Mr. BRUNDIDGE.

Mr. REEVES with Mr. DINSMORE.

Mr. CUSHMAN with Mr. ROBERTSON of Louisiana.

Mr. CRUMP with Mr. CAMPBELL.

For this day:

Mr. BERRY with Mr. SULZER.

Mr. MONDELL with Mr. SHAFROTH.

Mr. BROSIUS with Mr. MADDOX.

Mr. ROBERTS with Mr. MULLER.

Mr. MORGAN with Mr. LENTZ.

Mr. GRAHAM with Mr. CHANLER.

Mr. WACHTER with Mr. BAKER.

Mr. OTJEN with Mr. MCALEER.

Mr. MCCALL with Mr. SWANSON.

Mr. KERR of Maryland with Mr. RICHARDSON of Tennessee.

Mr. KAHN with Mr. CHANLER.

For this session:

Mr. WANGER with Mr. ADAMSON.

Mr. DAYTON with Mr. MEYER of Louisiana.

Mr. KING. I desire to be recorded as present only, Mr. Speaker.

The SPEAKER. That will be done.

Mr. MEYER of Louisiana. I also withdraw my vote, and ask

to be recorded as present.

The result of the vote was then announced as above recorded. The SPEAKER. The question is now upon the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. GROUT. And upon that, Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 197, nays 92, answered "present" 4, not voting 64; as follows:

YEAS—197.

Acheson,	Faris,	Littauer,	Ryan, Pa.
Adams,	Fitzgerald, Mass.	Littlefield,	Salmon,
Alexander,	Fletcher,	Lloyd,	Scudder,
Allen, Me.	Fordney,	Loudenslager,	Shackelford,
Babcock,	Foss,	Lybrand,	Shattuc,
Barber,	Gamble,	McCleary,	Shaw,
Barney,	Gardner, Mich.	McDowell,	Shelden,
Bell,	Gardner, N. J.	Mahon,	Sherman,
Benton,	Gaston,	Marsh,	Showalter,
Bingham,	Gibson,	Meekison,	Sibley,
Bishop,	Gilbert,	Mercer,	Smith, Ill.
Boreing,	Gill,	Metcaif,	Smith, Iowa
Bowersock,	Gillet, N. Y.	Miers, Ind.	Smith, H. C.
Breazeale,	Gillett, Mass.	Miller,	Smith, Samuel W.
Brenner,	Glynn,	Minor,	Smith, Wm. Alden
Brick,	Gordon,	Moody, Mass.	Southard,
Brown,	Graft,	Moody, Oreg.	Spalding,
Brownlow,	Graham,	Moon,	Sperry,
Burke, S. Dak.	Green, Pa.	Morgan,	Stark,
Burkett,	Greene, Mass.	Morrell,	Steele,
Burleigh,	Griffith,	Morris,	Stevens, Minn.
Butler,	Grout,	Mudd,	Stewart, N. J.
Calderhead,	Grow,	Needham,	Stewart, N. Y.
Caldwell,	Hall,	Neville,	Sulloway,
Cannon,	Hamilton,	Newlands,	Sutherland,
Clark, Mo.	Haugen,	Norton, Ohio	Tate,
Cochran, Mo.	Heatwole,	O'Grady,	Tawney,
Cochrane, N. Y.	Hemenway,	Olmsted,	Taylor, Ohio
Conner,	Henry, Conn.	Otey,	Thayer,
Cooney,	Hepburn,	Overstreet,	Thomas, Iowa
Cooper, Wis.	Hill,	Packer, Pa.	Thropp,
Corliss,	Hitt,	Payne,	Tompkins,
Cousins,	Hoffecker,	Pearson,	Tongue,
Cromer,	Hopkins,	Pearre,	Van Voorhis,
Crowley,	Howard,	Phillips,	Vreeland,
Crumpacker,	Howell,	Polk,	Warner,
Curtis,	Hull,	Powers,	Watson,
Dahle,	Jack,	Prince,	Weaver,
Dalzell,	Jenkins,	Pugh,	Weeks,
Davenport, S. A.	Jett,	Quarles,	Weymouth,
Davenport, S. W.	Jones, Wash.	Ray, N. Y.	Williams, J. R.
Davidson,	Kerr, Ohio	Reeder,	Williams, W. E.
De Armond,	Ketcham,	Rixey,	Wood,
Dick,	Kluttz,	Robb,	Wright,
Dougherty,	Knox,	Robinson, Ind.	Young,
Dovener,	Lacey,	Robinson, Nebr.	Zenor,
Driscoll,	Lamb,	Rodenberg,	Ziegler,
Eddy,	Landis,	Rucker,	
Emerson,	Lane,	Russell,	
Esch,	Lawrence,	Ryan, N. Y.	

NAYS—92.

Aldrich,	Cooper, Tex.	Kleberg,	Ransdell,
Allen, Ky.	Cowherd,	Lanham,	Rhea, Ky.
Allen, Miss.	Cummings,	Lassiter,	Rhea, Va.
Atwater,	Cusack,	Latimer,	Richardson, Ala.
Bailey, Kans.	Davis,	Lester,	Sheppard,
Bailey, Tex.	De Graffenreid,	Lewis,	Sims,
Ball,	Finley,	Linney,	Slayden,
Bankhead,	Fleming,	Little,	Smith, Ky.
Bartholdt,	Foster,	Livingston,	Snodgrass,
Bartlett,	Fowler,	Long,	Sparkman,
Bellamy,	Fox,	Lorimer,	Stephens, Tex.
Boutell, Ill.	Gaines,	Loud,	Stewart, Wis.
Brantley,	Gayle,	Lovering,	Stokes,
Bromwell,	Griggs,	McClellan,	Talbert,
Broussard,	Grosvenor,	McCulloch,	Taylor, Ala.
Burke, Tex.	Hawley,	McDermott,	Terry,
Burleson,	Hay,	McLain,	Thomas, N. C.
Burnett,	Hedge,	McRae,	Underwood,
Burton,	Henry, Miss.	Mann,	Wadsworth,
Carmack,	Henry, Tex.	Napen,	Wheeler,
Catchings,	Johnston,	Noonan,	White,
Clayton, Ala.	Joy,	Pearce, Mo.	Williams, Miss.
Clayton, N. Y.	Kitchin,	Pierce, Tenn.	Wilson, S. C.

ANSWERED "PRESENT"—4.

Adamson,	King,	Maddox,	Meyer, La.
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NOT VOTING—64.

Adamson,	Crump,	McAleer,	Shafroth,
Baker,	Cushman,	McCall,	Small,
Barham,	Davey,	May,	Spight,
Berry,	Dayton,	Mesick,	Sprague,
Boutelle, Me.	Denny,	Mondell,	Stallings,
Bradley,	Dinsmore,	Muller,	Sulzer,
Brewer,	Driggs,	Norton, S. C.	Swanson,
Brosius,	Elliott,	Otjen,	Turner,
Brundidge,	Fitzgerald, N. Y.	Parker,	Underhill,
Bull,	Fitzpatrick,	Reeves,	Vandiver,
Campbell,	Freer,	Richardson, Tenn.	Wachter,
Capron,	Jones, Va.	Ridgely,	Wanger,
Chanler,	Kahn,	Riordan,	Waters,
Clarke, N. H.	Kerr, Md.	Roberts,	Wilson, Idaho
Connell,	Lentz,	Robertson, La.	Wilson, N. Y.
Cox,	Levy,	Ruppert,	Wise.

So the bill was passed.

The Clerk announced the following additional pairs:
Until further notice:

Mr. ROBERTS with Mr. MULLER. Mr. ROBERTS against the Grout bill, Mr. MULLER for it.

Mr. MONDELL with Mr. SHAFROTH.

Mr. JONES of Virginia with Mr. VANDIVER.

On this vote:

Mr. BARHAM with Mr. KING.

For the balance of this day:

Mr. BULL with Mr. RIORDAN.

Mr. VANDIVER. I desire to say that I am paired with the gentleman from Virginia, Mr. JONES. If he were present, he would vote "yea."

The result of the vote was announced as above recorded.

On motion of Mr. GROUT, a motion to reconsider the last vote was laid on the table.

ENROLLED BILLS SIGNED.

Mr. BAKER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title; when the Speaker signed the same:

H. R. 4400. An act for the relief of Frank E. Kellogg, collector of the Sixth internal-revenue district, Missouri.

CHANGE OF REFERENCE.

The SPEAKER. The bills H. R. 12163 and 12164, which were referred to the Committee on the District of Columbia, should have been referred to the Committee on Rivers and Harbors. Without objection, that change of reference will be made.

There was no objection.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. McDERMOTT, indefinitely, on account of sickness.

WAR-REVENUE REDUCTION.

Mr. PAYNE, from the Committee on Ways and Means, reported the bill (H. R. 12394) to amend an act entitled "An act to provide ways and means to meet war expenditures, and for other purposes," approved June 13, 1898, and to reduce taxation thereunder; which was ordered to be printed, and referred to the Committee of the Whole House on the state of the Union.

Mr. PAYNE. Mr. Speaker, by agreement with the members of the minority of the committee, I ask unanimous consent that the minority have until the adjournment of the House on Monday to file their views.

The SPEAKER. The gentleman from New York [Mr. PAYNE] asks unanimous consent that the minority have until the adjournment on Monday next to file their views. Is there objection?

There was no objection.

Mr. UNDERWOOD. Mr. Speaker, I wish to ask the gentleman from New York if he expects to call up the bill on Tuesday?

Mr. PAYNE. I was just going to make a statement in reference to that. In the first place, I ask unanimous consent that 3,000 copies of the bill and report may be printed. I shall also ask that consent for the views of the minority when they are presented.

Mr. UNDERWOOD. I ask the gentleman to include that in his request.

Mr. PAYNE. They can not very well be printed together. I want the report printed as soon as possible, and I want the members to see the changes made in the bill. On Monday I will ask that a further edition be printed. I will present the request in this form: I ask that 3,000 copies of the bill and report be printed, and that after the views of the minority are submitted 3,000 additional copies of the bill and of the report and views of the minority be printed.

The SPEAKER. The Chair would ask the gentleman from New York if it is his purpose to have these copies go to the folding room to the credit of members? Otherwise they would go to the document room.

Mr. BAILEY of Texas. I suggest that that be done; otherwise somebody will go to the document room and take them out, and the members who will be applied to for copies will not be able to get them.

Mr. PAYNE. I have no objection.

The SPEAKER. The gentleman from New York asks unanimous consent that 3,000 copies of the bill just reported be printed for the use of the House, to go to the folding room to the credit of members like other documents; also, after the views of the minority are submitted, 3,000 additional copies, with the views of the minority, the same to go to the folding room to the credit of members.

Mr. PAYNE. I ask to have the report printed also in each instance.

The SPEAKER. Including the report in each instance. Is there objection?

There was no objection.

Mr. PAYNE. Now, I desire to give notice that I shall endeavor to call up this bill for consideration after the legislative appropriation bill has been disposed of, and I think that will probably be on Tuesday next.

CAPITAL CENTENNIAL EXERCISES.

Mr. PAYNE. I also wish to call the attention of the House to another matter. As is known to members of the House, next Wednesday is, by an act of Congress, set apart as a day to celebrate the anniversary of the establishment of a seat of government in the District of Columbia, and in that bill it is provided that there shall be a joint meeting of the two Houses of Congress at 3.30 on Wednesday in this Hall. I therefore ask unanimous consent that when the House adjourn on Tuesday next it adjourn to meet at 3.15 on Wednesday, in order to give an opportunity to the doorkeepers to arrange the House for the joint meeting at 3.30.

The SPEAKER. The gentleman from New York asks unanimous consent that when the House adjourn on Tuesday next it adjourn to meet at 3.15 on Wednesday next. Is there objection?

There was no objection.

And then, on motion of Mr. PAYNE (at 5 o'clock and 55 minutes p. m.), the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Interior submitting an estimate of appropriation for support of the Turtle Mountain Band of Chippewas and the Sioux of Devils Lake, North Dakota—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Comptroller of the Treasury submitting an estimate of appropriation for an additional force of clerks in his office—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriation for armament of fortifications—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of War, transmitting report of Board of Engineers on deep waterways—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting a list of expenditures at the Springfield Armory, and of arms, etc., altered and repaired during the fiscal year ended June 30, 1900—to the Committee on Military Affairs, and ordered to be printed.

A letter from the Secretary of the Treasury, submitting an estimate of appropriation for additional revenue cutters to be used in Porto Rican waters—to the Committee on Insular Affairs, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of the Ohio River near Maysville, Ky.—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting a report of the receipts and expenditures on account of appropriations for contingent expenses of the War Department during the fiscal year ended June 30, 1900—to the Committee on Expenditures in the War Department, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. BABCOCK, from the Committee on the District of Columbia, to which was referred the joint resolution of the House (H. J. Res. 278) authorizing the Commissioners of the District of Columbia to employ an additional assistant to the attorney, reported the same without amendment, accompanied by a report (No. 2015); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. PAYNE, from the Committee on Ways and Means, to which was referred the bill of the House (H. R. 12394) to amend an act entitled "An act to provide ways and means to meet war expenditures, and for other purposes," approved June 13, 1898, and to reduce taxation thereunder, reported the same with amendment, accompanied by a report (No. 2016); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. WEAVER, from the Committee on War Claims, to which was referred the bill of the Senate (S. 1618) to confer jurisdiction upon the Court of Claims to hear and adjudicate the claim of the personal representatives of William Kiskadden, deceased, reported the same without amendment, accompanied by a report (No. 2014); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 12337) granting a pension to Patrick J. Murphy—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred, as follows:

By Mr. BABCOCK: A bill (H. R. 12456) to amend certain sections of the Revised Statutes of the United States relating to the District of Columbia as to the Metropolitan police, and for other purposes—to the Committee on the District of Columbia.

By Mr. WHEELER: A bill (H. R. 12457) for the relief of the State of Kentucky—to the Committee on War Claims.

By Mr. S. A. DAVENPORT: A bill (H. R. 12458) providing for raising and preserving the hull of the *Niagara*, the flagship of Commodore Perry in the battle of Lake Erie—to the Committee on Naval Affairs.

By Mr. BARTHOLDT: A bill (H. R. 12459) for a customs warehouse at St. Louis, Mo.—to the Committee on Public Buildings and Grounds.

By Mr. ALLEN of Maine: A bill (H. R. 12460) to build an abutment for a bridge across the channel of the Anacostia River west of Congress Heights—to the Committee on Interstate and Foreign Commerce.

By Mr. GRAHAM: A bill (H. R. 12461) granting pensions to soldiers and sailors confined in so-called Confederate prisons—to the Committee on Invalid Pensions.

By Mr. OVERSTREET: A bill (H. R. 12462) to declare the St. Joseph River, in the State of Indiana, not navigable, and validating structures thereon—to the Committee on Interstate and Foreign Commerce.

By Mr. MOODY of Massachusetts (by request): A bill (H. R. 12463) to establish the sleeping-berth rights of passengers who ride at night in ordinary day cars—to the Committee on Interstate and Foreign Commerce.

By Mr. JONES of Virginia: A bill (H. R. 12464) to amend sections 7 and 8 of an act entitled "An act to promote the efficiency of the Life-Saving Service and encourage the saving of life from shipwreck"—to the Committee on Interstate and Foreign Commerce.

By Mr. BULL: A bill (H. R. 12504) to revive the grade of Vice-Admiral in the Navy—to the Committee on Naval Affairs.

Also, a bill (H. R. 12505) to charter the American Legion of Honor—to the Committee on the Library.

By Mr. FLYNN: A bill (H. R. 12506) to appropriate the sum of \$100,000 to erect a public building at Guthrie, Okla.—to the Committee on Public Buildings and Grounds.

By Mr. TAYLER of Ohio: A joint resolution (H. J. Res. 279) proposing an amendment to the Constitution of the United States conferring power on Congress to enact uniform laws on the subject of marriage and divorce—to the Committee on the Judiciary.

By Mr. WHITE: A resolution (H. Res. 310) relative to the consideration of H. R. 10305—to the Committee on Rules.

By Mr. FITZGERALD of Massachusetts: A resolution (H. Res. 311) relative to claim against the Turkish Government—to the Committee on Foreign Affairs.

By Mr. GREENE of Massachusetts: A memorial of the legislature of the State of Massachusetts, relative to the purchase of Temple Farm and Moore House, at Yorktown, Va., by the United States Government—to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. CALDWELL: A bill (H. R. 12465) granting a pension to Ebenezer H. Wood—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12466) granting a pension to Henry G. Wheeler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12467) for relief of John F. Bretz—to the Committee on Claims.

By Mr. CARMACK: A bill (H. R. 12468) for the relief of the estate of James Crews, deceased—to the Committee on War Claims.

By Mr. COCHRANE of New York: A bill (H. R. 12469) for the relief of Anthony Mixted—to the Committee on Military Affairs.

By Mr. CROWLEY: A bill (H. R. 12470) granting a pension to Jonas Stough—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12471) to remove charge of desertion against Elisha K. White and grant him an honorable discharge—to the Committee on Military Affairs.

By Mr. EMERSON: A bill (H. R. 12472) granting an increase of pension to Nathan Thurber—to the Committee on Invalid Pensions.

By Mr. FITZGERALD of Massachusetts: A bill (H. R. 12473) granting an increase of pension to E. Bradford Gay—to the Committee on Invalid Pensions.

By Mr. GASTON: A bill (H. R. 12474) granting an increase of pension to James Noble—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12475) granting an increase of pension to George W. Luce—to the Committee on Invalid Pensions.

By Mr. HEDGE: A bill (H. R. 12476) granting an increase of pension to Samuel Minnick—to the Committee on Invalid Pensions.

By Mr. HENRY of Mississippi: A bill (H. R. 12477) for the relief of Charlotte G. Robertson—to the Committee on War Claims.

Also, a bill (H. R. 12478) for the relief of Waldo W. Putnam—to the Committee on War Claims.

Also, a bill (H. R. 12479) for the relief of the estate of James P. Smith—to the Committee on War Claims.

By Mr. JOHNSTON: A bill (H. R. 12480) for the relief of C. F. Cook, heir of John Cook, deceased—to the Committee on War Claims.

By Mr. LIVINGSTON: A bill (H. R. 12481) granting an increase of pension to John J. Martin—to the Committee on Invalid Pensions.

By Mr. MAHON: A bill (H. R. 12482) for the relief of Henry C. Wolfe—to the Committee on Military Affairs.

By Mr. MERCER: A bill (H. R. 12483) for the relief of the members of the First, Second, and Third Marine Corps, and for other purposes—to the Committee on Claims.

By Mr. PEARRE: A bill (H. R. 12484) to refer the war claim of the estate of John Peacher, deceased, late of Washington County, Md., to the Court of Claims—to the Committee on War Claims.

By Mr. RAY of New York: A bill (H. R. 12485) granting a pension to Amanda Northrop—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12486) granting a pension to Ada L. McFarland—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12487) granting an increase of pension to Bolivar Aldrich—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12488) granting an increase of pension to Charles B. Weeks—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12489) granting an increase of pension to Moses B. Sneden—to the Committee on Invalid Pensions.

By Mr. RUCKER: A bill (H. R. 12490) granting an increase of pension to Andrew J. West—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12491) granting an increase of pension to Robert H. Metcalf—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12492) granting a pension to Alfred Hatfield—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12493) granting a pension to Lewis A. Vaughn—to the Committee on Invalid Pensions.

By Mr. SHACKLEFORD: A bill (H. R. 12494) for the relief of James D. Livesay, administrator John W. Livesay, deceased—to the Committee on War Claims.

By Mr. SHERMAN: A bill (H. R. 12495) granting an increase of pension to John Downing—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12496) granting an increase of pension to James A. Bates—to the Committee on Invalid Pensions.

By Mr. SIBLEY: A bill (H. R. 12497) granting an increase of pension to Samuel R. Smith—to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 12498) granting an increase of pension to Simon R. Marston—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12499) granting an increase of pension to John A. Laughton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12500) granting an increase of pension to Rollins D. Moore—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12501) granting an increase of pension to John E. White—to the Committee on Invalid Pensions.

By Mr. TERRY: A bill (H. R. 12502) for the relief of M. E. Saville—to the Committee on Military Affairs.

By Mr. UNDERHILL: A bill (H. R. 12503) to remove the charge of desertion from the military record of James H. Epps—to the Committee on Military Affairs.

By Mr. HOFFECKER: A bill (H. R. 12507) granting an increase of pension to Ezekiel Dawson—to the Committee on Invalid Pensions.

By Mr. RANDELL: A bill (H. R. 12508) for the relief of John McDonnell—to the Committee on Military Affairs.

By Mr. KLEBERG: A bill (H. R. 12509) for the relief of Maria Thornton, residuary legatee of Richard Miller, deceased—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of J. D. Moffat and other citizens of Washington County, Pa., in favor of an amendment to the Constitution against polygamy—to the Committee on the Judiciary.

By Mr. ADAMSON: Petition of O. Wyrn and other citizens of Coweta County, Ga., to accompany House bill granting an increase of pension to Mrs. N. T. Hardy—to the Committee on Invalid Pensions.

Also, petition of Temple Drug Company, of Temple, Ga., for the repeal of the special tax on proprietary medicines, etc.—to the Committee on Ways and Means.

By Mr. BURKETT: Papers to accompany House bill to remove the charge of desertion from the military record of James Plymate—to the Committee on Military Affairs.

Also, paper to accompany House bill for the relief of John T. Bretz—to the Committee on Claims.

Also, papers to accompany House bill for the relief of Henry G. Wheeler—to the Committee on Invalid Pensions.

By Mr. CORLISS: Petition of E. T. Carrington, commander Loyal Legion of Michigan, praying for the passage of House bill No. 5499, for the relief of the officers of the Revenue-Cutter Service—to the Committee on Interstate and Foreign Commerce.

By Mr. COUSINS: Resolutions of citizens of Shellburg, Iowa, in favor of provision to prohibit the importation of intoxicating liquors into countries chiefly inhabited by native races—to the Committee on Alcoholic Liquor Traffic.

By Mr. CROWLEY: Paper to accompany House bill No. 3759, to correct the military record of David Horner, of Olney, Ill.—to the Committee on Military Affairs.

By Mr. GAMBLE: Petition of Garrett Droppers, president, and other members of the faculty of the University of South Dakota, favoring the passage of House bill No. 11350, to establish the national standardizing bureau—to the Committee on Coinage, Weights, and Measures.

By Mr. GASTON: Petition of Anna C. McDonald and others, for forestry reserve and national park in Minnesota—to the Committee on the Public Lands.

By Mr. HAMILTON: Resolutions of the Kalamazoo Presbytery, Michigan, favoring anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

Also, resolution of the First Presbyterian Church of Plainwell, Mich., against the sale of intoxicating liquors in our new possessions—to the Committee on Insular Affairs.

By Mr. JOHNSTON: Petition of C. F. Cook, heir of John Cook, deceased, late of West Virginia, for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. KETCHAM: Petition of 37 citizens of Carmel, N. Y., favoring anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

By Mr. LACEY: Petition of Post No. 72, Grand Army of the Republic, of Eldon, Iowa, favoring the passage of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. LYBRAND: Resolutions of Stoker Post, Grand Army of the Republic, Department of Ohio, indorsing House bill No. 5779, relating to appointments in the Government service—to the Committee on Reform in the Civil Service.

By Mr. MAHON: Papers to accompany House bill for the relief of Henry C. Wolfe—to the Committee on Military Affairs.

By Mr. MANN: Papers to accompany House bill No. 3568, for the relief of Sarah Maley—to the Committee on Invalid Pensions.

By Mr. MOODY of Massachusetts: Petition of 24 veterans of the civil war, of Essex County, Mass., in favor of pensioning Union soldiers who were confined in Confederate prisons during the civil war, and for compensating such soldiers for the period confined—to the Committee on Invalid Pensions.

By Mr. RAY of New York: Petition of the Woman's Christian Temperance Union, of Kiester, Minn., for the passage of the Bowserock bill—to the Committee on Military Affairs.

Also, petition of Amanda Northrop, of Binghamton, N. Y., widow of William T. Northrop, for a pension—to the Committee on Invalid Pensions.

Also, petition of Ada L. McFarland, of Binghamton, N. Y., widow of Solomon F. McFarland, for a pension—to the Committee on Invalid Pensions.

By Mr. ROBINSON of Indiana: Petition of Advance Grange, No. 2100, Patrons of Husbandry, of Fremont, Ind., favoring pure-food legislation—to the Committee on Agriculture.

By Mr. RYAN of New York: Petition of Rev. George B. Newcomb and others, of Buffalo, N. Y., in favor of the anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

By Mr. SHACKLEFORD: Petition of the estate of John W. Livesay, deceased, of Missouri, for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. SIBLEY: Petitions of druggists of Warren County, Pa., for the repeal of the special tax on proprietary medicines—to the Committee on Ways and Means.

Also, petition of citizens of Warren, Pa., in favor of the anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

By Mr. VREELAND: Petition of the First Methodist Episcopal Church of Falconer, N. Y., in relation to the exclusion of all spirituous liquors from our insular possessions—to the Committee on Insular Affairs.

By Mr. YOUNG: Petition of Barker & Co., of Philadelphia, Pa., urging a reduction of the war-revenue tax of June 13, 1898—to the Committee on Ways and Means.

HOUSE OF REPRESENTATIVES.

SATURDAY, December 8, 1900.

The House met at 12 o'clock m.

The following prayer was offered by the Chaplain, Rev. HENRY N. COUDEN, D. D.:

O thou great Spirit, in whom we live and move and have our being, through whose influence all progress is due, make us more susceptible, that we may go forward to greater manhood; that when the time comes that we shall depart this life we shall have left behind us a record worthy of Christian manhood. Hear us, and answer us in the name of Christ, the Lord. Amen.

The Journal of yesterday's proceedings was read, corrected, and approved.

CHAIRMANSHIP OF COMMITTEE ON NAVAL AFFAIRS.

The SPEAKER. The Chair lays the following communication before the House for its information:

COMMITTEE ON NAVAL AFFAIRS,
HOUSE OF REPRESENTATIVES, UNITED STATES,
Washington, December 7, 1900.

SIR: I am instructed by the Committee on Naval Affairs of the House to inform you that by the unanimous vote of the committee at its session this morning, a quorum being present, Hon. GEORGE EDMUND FOSS was unanimously chosen as chairman of the said committee, to fill the vacancy caused by the resignation of the Hon. CHARLES A. BOUTELLE.

I have the honor to be, very respectfully, yours,

J. E. HALL,
Clerk Committee on Naval Affairs.

Hon. D. B. HENDERSON,
Speaker House of Representatives.

DISTILLATION OF BRANDY FROM CHERRIES.

Mr. PAYNE. Mr. Speaker, I would like to call up and have unanimous consent for the consideration of a bill which belongs to the Committee of the Whole. It is a bill to amend section 3255 of the Revised Statutes, and would place brandy made from cherries on the same basis as brandy made from berries, apples, and other fruits. That is the only change made by the proposed bill, and it comes from the Committee on Ways and Means. I ask unanimous consent to consider the bill in the House as in Committee of the Whole.

The SPEAKER. The gentleman from New York asks unanimous consent to consider this bill in the House as in Committee of the Whole. Is there objection? [After a pause.] The Chair hears none.

The bill was read, as follows:

A bill (H. R. 12231) to amend section 3255 of the Revised Statutes of the United States, concerning the distilling of brandy from fruits.

Be it enacted, etc., That section 3255 of the Revised Statutes of the United States be, and the same is hereby, amended so as to read as follows:

"SEC. 3255. The Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may exempt distillers of brandy made exclusively from apples, peaches, grapes, pears, pineapples, oranges, apricots, berries, prunes, or cherries from any provision of this title relating to the manufacture of spirits, except as to the tax thereon, when, in his judgment, it may seem expedient to do so."

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

Mr. PAYNE. As I stated, Mr. Speaker, the only change made in the existing law would apply the same rule to brandy distilled from cherries as already applies under this statute to brandies distilled from other fruits. Cherries seem to have been omitted in the original statute.

The bill was ordered to be engrossed for a third reading; and